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**SOME CHANGES IN STATE EDUCATIONAL ADMINISTRATION IN UTAH
IN TERMS OF THE RECOMMENDATIONS OF THE UTAH SURVEY OF 1926**

by

Verland L. Christiansen

**A thesis submitted in partial fulfillment of the requirements
for the degree of
Master of Science
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Approved:

Major Professor

For English Department

Dean of the School

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TABLE OF CONTENTS

	Page
Introduction.....	1
History of the Survey Movement -- The Utah Survey of 1926 -- Purposes of the Present Study -- Sources of Information	
Chapter I The State Board of Education.....	13
Method of Selection -- Composition of Board -- Remuneration -- General Functions -- Financial Powers and Duties -- Certificating Authority	
Chapter II The State Superintendent.....	39
Method of Selection -- Candidates for Position -- Alternatives in Selection -- Statutory Provisions for Defining Powers and Duties of Superintendent -- Executive Function of Superintendent	
Chapter III The State Department of Education.....	47
General Reorganization and Enlargement -- Coordination of Efforts and Definition of Functions -- Direction of State Supervision -- Research and Statistics and Teachers' Service -- Selection of Staff -- Salaries	
Chapter IV Financial Equalization.....	66
Proposed Plans for Equalization -- Utah Equalization Fund -- Uniform School Fund	
Conclusions.....	88
Literature Cited.....	95

INTRODUCTION

Inasmuch as this study is concerned primarily with state school administration and an educational survey concerned with administration, it appears proper to devote some attention to the evolution of these two things. The first consideration will be given to the development of state educational administration.

When grants were made by congress to the various states for educational purposes, the responsibilities of administration went to the states. The state administrative systems evolved as a natural process. Cubberley traces this development from the time the boards consisted of ex officio state officers entirely, through the time when school men were ex officio members, on to the time when most boards were a combination of the two types, and finally shows the transition to the lay-appointed boards now approved in theory if not entirely in practice.(1)

Schrammel has analyzed the state administrative systems and has given us an accurate account of their composition, functions, etc.(2)

The state superintendency, as an office which has continued to the present time, was first established in Michigan in 1829, although New York claims the distinction of having the first superintendent in 1812. Reeder has made an exhaustive study of the superintendent as chief school officer in the United States.(3) The evolution of the superintendent from a clerk to an executive officer of the school system follows rather closely the evolution of state boards of

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- (1) Cubberley, E. P. State School Administration.
Cubberley, E. P. State and County Educational Reorganization.
 - (2) Schrammel, H. E. The Organization of State Departments of Education.
 - (3) Reeder, Ward G. The Chief State School Officer.

education. As responsibilities have grown, state administrative organizations have adjusted themselves to changing conditions. No definite plan has been followed, and, consequently, the variations in state administrative systems today are many.

Since an educational survey is the basis of this study, it seems essential to establish the significance of the survey movement in education by means of a brief digest of its evolution, and to place the Utah survey in relationship to the general movement and the present study.

Long before the term 'school surveys' came into use there had been more or less systematic studies of school systems. On hundred years ago Horace Mann and Henry Barnard were inspecting the schools of the New England states and were writing critical evaluations of what they found. They were visiting Europe with a view to finding better forms of organization and better methods of teaching than were common in their day in American schools. Before these men inspected schools and studied their strong and weak points Victor Cousin, a representative of the French educational system, had visited the Prussian schools and had rendered a report that was translated into English in 1832 and was widely read in America as well as in England. Calvin Stowe, following the example of Cousin, visited Prussia for the purpose of studying the school system. He went at the request of the legislature of the State of Ohio and reported to that body. His recommendations were the basis of far-reaching reforms in the educational systems of Ohio and other states west of the Alleghany Mountains.

In the last decade of the nineteenth century, popular interest in schools and colleges was greatly stimulated by the writings and addresses of numerous educational reformers: G. Stanley Hall,

John Dewey, Charles W. Eliot, William Rainey Harper, Francis Parker, William T. Harris, and others. The magazines of the 1890's described the leading municipal school systems of the United States, thus reflecting the popular interest in the reforms that were being inaugurated by the leaders in these systems. The editor of the FORUM was especially active during the decade of the 90's in preparing educational articles describing the leading school systems. In 1897 he published what may be thought of as the first general survey of a particular educational field. His article dealt with spelling and reported the results of tests that he administered in a number of school systems. Rice did not use the word survey in his article on spelling, but his method of quantitative comparison of results of teaching and his analysis of the significance of his finds were of the type that later came to be recognized as characteristic of school surveys.

In the same year (1897) that Rice's article appeared, a publication appeared in Chicago under the title, Report of the Educational Commission of the City of Chicago. This report reflected the educational views of President Harper, who was the most influential member of the Commission. It was a thorough study of the educational system of Chicago and contained numerous recommendations for changes that the Commission deemed desirable.

The rapid development, during the first part of the twentieth century, of techniques for measuring results in education provided new methods which added impetus to the survey movement.

The schools were not the only institutions of organized society that were subjected to searching scientific inquiry. Municipal organization, housing, recreation, and other aspects of community life

were studied by political scientists and sociologists by methods that yielded quantitative facts and permitted comparisons and evaluations on a large scale.

The year 1910 and the years immediately following may be thought of as the years during which the school survey movement had its real beginning. Up to that time studies of school systems were made either by public officials in the performance of their routine duties or by investigators interested in some particular phase of education. In 1910 and 1911 a new element entered into the situation. This new element can be described by saying that certain school systems imported experts from outside the system for the purpose of securing advice regarded as superior to that which could be secured from public officials or casual observers.

In 1910 Charles S. Meek, the superintendent of schools of the city of Boise, Idaho, invited Calvin M. Kendall, the superintendent of schools in Indianapolis, to spend a week inspecting the schools of Boise. Kendall submitted a report which was published in the Idaho Statesman, the local newspaper. It dealt with such matters as school buildings, teachers, the course of study, reorganization of the system and the attitude of the community. In 1911 Professor Paul Harns of Harvard University inspected schools in Montclair, New Jersey, and Professor E. C. Moore of Yale University inspected the schools of East Orange, New Jersey. Both inspections resulted in published reports dealing with the problems of the schools.

It is interesting to note that in Part II of the Thirteenth Yearbook of the National Society for the Study of Education, published in 1914, one of the questions most fully discussed was whether outsiders

should be brought into a school system to pass judgment on the success of the system. There are in that yearbook several strong statements contending that a survey should be made by members of the official staff of a system, not by experts imported from outside.

In spite of the opinion held by the writers of the yearbook referred to above, the conduct of surveys by individuals from outside the system to be surveyed became the fashion. The reason outsiders were favored was that the regular members of the school staff were usually too fully occupied in routine administration to make the survey. Furthermore, in some cases either the board of education or some group of citizens believed that the affairs of their schools were not being well conducted and desired an impartial judgment. A number of the surveys made in the years between 1911 and 1920 did, indeed, result in a reorganization of the personnel of the staff of the system surveyed. Superintendents were literally afraid of surveys during the period mentioned and were for this reason opposed to the rapidly developing measurement movement in the educational world.

Some of the earliest surveys were carried on in situations that were distinctly controversial. For example, the school system of Baltimore, Maryland, was surveyed in 1911 for the purpose of setting at rest in one way or another the disturbance that had arisen as a result of the resolute efforts of a highly competent superintendent to raise standards. The Board of Education of Baltimore appealed to the United States Commissioner of Education to make a study of the situation and to render a report.

A high point in the survey movement was reached in 1915-16 when Leonard P. Ayres conducted with a large staff a survey of the schools

of Cleveland, Ohio. Several special features of this survey may be noted. A large part of the survey was devoted to vocational education. Tests of reading accomplishments were developed and applied for the first time on a large scale in the course of this survey. A plan of publicity was organized for the purpose of making the people of the city acquainted with the results of the inquiry.

After 1915 two distinct tendencies appeared in the survey movement. First, specialized surveys dealing with limited aspects of education became common, and second, local bureaus of tests and efficiency within the system were substituted for outside surveys. The importation of experts from outside a given system was recognized as having advantages, but increasingly these advantages were sought by adding to the administrative staff of the school system a specialist trained in methods of testing and scientific study. Not only were scientific studies of the system thus provided for, but the new expert of the administrative staff was able also to supply various aids to the system that a group of experts studying the system for a short period could not supply.

The number of surveys that were conducted soon began to exhaust the supply for competent surveyors. It became difficult for school systems to secure the services of individuals who commanded the prestige necessary for acceptance by the people of a community of the results of a survey. Appeal was made to certain public agencies such as the United States Bureau of Education, the education division of the Russell Sage Foundation, and the Bureau of Municipal Research. The calls on the Federal Bureau were especially urgent when state systems of education organized surveys. In recent years, Teachers College of Columbia University has conducted a large number of surveys, both general and

special, through a division of that institution under the directorship of Professor George Strayer.

Special mention must be made of a number of nation-wide surveys through the United States Office of Education. The first of these was a survey of negro education, for the support of which funds were provided by a foundation. The Congress of the United States provided the funds for four subsequent surveys dealing respectively with (1) the land-grant colleges, (2) secondary education, (3) teacher preparation, and (4) school finance.

In an important sense all school surveys have national importance. No period in the history of schools in any country is as thoroughly described and critically evaluated as is the period of education in the United States since 1910. The writers on the history of education have heretofore found it necessary to depend on the writings of educational reformers and on scattered and meager data as the basis for their statements. In the future the survey reports will make possible a far more detailed treatment of school practices for this period than has ever been possible for any earlier period.

There is no comprehensive summary of the reports on public-school systems. The collection of these reports is difficult because they are not published for general circulation. The World Book Company reprinted and issued in book form some of the early surveys, but it was not possible for any publisher to issue the numerous survey reports that appeared after 1915.

The Carnegie Foundation for the Advancement of Teaching issued in 1937 a volume of 538 pages under the title, Surveys of American Higher Education, giving a very full account of all the surveys in

the field referred to in the title. This volume was compiled by Professor Walter C. Balls. It contains brief reviews of 230 printed survey reports. In addition, it contains analyses of the problems dealt with, lists of the recommendations made, and a catalog of names of the members of the staffs participating in the surveys. It appears that some group could perform a worthwhile service to education through the preparation of a volume paralleling the volume published by the Carnegie Foundation but covering the surveys of public school systems. The generation of educators who witnessed the rise and development of the survey movement is still accessible for comments on the early surveys. Much that they know which is not published in the reports would be of value in illustrating the difficulties that confronted the science of education in its early stages.

Many questions have been raised concerning the efficacy of surveys. It is not the purpose of this paper to discuss that point to any extent, but a few observations may be pertinent. As noted above, there has been no general study made of the surveys of elementary and secondary schools, so it appears impossible to arrive at any definite conclusions concerning them. However, as also noted above, the report published by the Carnegie Foundation and concerned with higher education contains a report of the action taken on approximately 5,000 recommendations contained in surveys. In the words of the report:

These (5,000 items) involved separate reports from 189 different institutions and state departments representing 50 separate surveys. The percentage of returns (66 per cent) is satisfactorily high for all except the relatively small and unimportant group of city surveys which for the most part deal only incidentally with higher education...

The results for each of the fifty reports for which this method of quantitative evaluation was possible shows that 2,250 of the 7,974 specific recommendations were

reported as having been carried out in full, 1,847 of them within three years; 1,280 as carried out in part; and 1,444 as not carried out at all. The information concerning recommendations can best be compactly summarized in the following five statements:

- Over 70 per cent have been carried out, in full or in part.
- Over 56 per cent have been carried out, in full or in part, within three years.
- Over 45 per cent have been carried out in full.
- Over 37 per cent have been carried out, in full, within three years.
- Less than 30 per cent have not been carried out at all.(1)

One hundred thirty-five of the surveys were judged qualitatively by selected people. Concerning this evaluation the report states:

Almost a quarter of the surveys are judged to have been very successful by the group of men chosen to evaluate them and more than a third moderately successful, making almost two-thirds of them which may be considered quite successful. On the other hand, almost one-sixth are rated as having had little or no success, if not being distinctly harmful.(2)

Finally, in conclusion, Mr. Bells arrived at this:

The evidence...is a justification of the survey movement in higher education. Granting that some of the surveys have been crude and amateurish, that some have been more harmful than helpful, that the methods of many are open to question, nevertheless the total showing for such a relatively new and complex instrument is noteworthy. The survey movement certainly could not have survived twenty-five years in this field had it not made substantial and significant contributions to the betterment of higher education. Undoubtedly it has had its faults, but fundamentally it is sound and capable of gradual refinement and improvement as a result of experience.(3)

The Utah Survey was authorized by the state board of education on April 13, 1925, when it authorized the state superintendent of public instruction to conduct negotiations with the United States

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- (1) Bells, Walter C. Surveys of American Higher Education. p. 181.
 - (2) Ibid., p. 207.
 - (3) Ibid., p. 217.

Bureau of Education of the Department of the Interior, looking toward a survey of higher education in Utah. The invitation was extended to the United States Commissioner of Education; but before negotiations were completed the state board decided that, if possible, the study should be extended to include the entire public school system--elementary, secondary, and higher institutions. The original request was supplemented by a further request that the entire public school system be included, and on October 14, 1925, the United States Commissioner of Education, with the approval of the Secretary of the Interior, accepted the invitation.

Field work on the preliminary study of the state school system was begun on December 28, 1925, by the Commissioner of Education and a member of his staff. General field work began March 15, 1926, and extended to the latter part of April. The special study of school support was made in May and June. The full staff consisted of 17 persons, who spent approximately 500 days in field investigation aside from the time necessary for collection and compilation of data and its interpretation and in preparation of the report. All branches of the public school system were studied and the final report, with the exception of the chapter on school support, which was the work of a specialist in this field, was the composite opinion of all members of the staff. The report was published as a Bureau of Education Bulletin, Number 18. (1926). It consists of 11 chapters and an index, constituting in all 510 pages. Conditions as then existing are described, comparisons with best educational thought and practice are made, and recommendations are made in detail. Recommendations are summarized at the close of each chapter.

It is the purpose of the writer of this study to determine, as may

be possible, changes have taken place regarding certain aspects of state educational administration in Utah as viewed in terms of the recommendations made in 1926 by the survey staff. The attempt will be made not only to determine the changes as evidenced by the status of educational administration at present (1940) but also to trace changes that have been made during the period concerned. When no changes have been made, such facts will be shown.

There is no intention to attempt to cover all phases of the original survey, because of the practical impossibility of doing so. It is intended that effort shall be directed toward that part of the survey which is concerned with administration by the state as governed by constitutional provisions, legislation, state board rulings, and opinions of the attorney general. Specifically, it is intended to relate the four factors mentioned above to changes which have come in the status and functions of the following:

1. State Board of Education
2. State Superintendent of Public Instruction
3. State Department of Education
4. Financial equalization

It is not intended to attempt to show that changes have been made as a result of the recommendations made in 1926; rather it is intended to indicate the changes that have or have not been made in terms of the recommendations that were made by the survey staff.

The following are sources of information used:

1. The United States Department of the Interior, Bureau of Education Bulletin (1926) No. 18, Survey of Education in Utah, will furnish the necessary information concerning the status of education

in 1936 and the recommendations made.

2. The seventeenth to twenty-second Biennial Reports of the State Superintendent of Public Instruction, 1926-1938

3. Constitution of the State of Utah

4. School Laws of Utah, 1939

5. Minutes of the state board of education

6. "Opinions of the Attorney General"

7. State Superintendent's Items for District School Superintendents

8. Utah Educational Review

-13-
CHAPTER I

THE STATE BOARD OF EDUCATION

The Constitution of the State of Utah provides for the state board of education in this way, "The general control and supervision of the Public School System shall be vested in a State Board of Education, consisting of the Superintendent of Public Instruction and such other persons as the Legislature may provide." (1)

It is with this body that the Survey Committee of the United States Bureau of Education first concerned itself when it made the survey of educational conditions in the State of Utah during the year 1926. In the report (2) filed by this committee, considerable space was given to a statement of conditions as they then existed in Utah, together with comparisons of these conditions in terms of those existing in other states, as well as in terms of the ideal as expressed by leaders in the field of educational administration. Following the review of the status of the State Board of Education, six specific recommendations were made concerning that body. These six recommendations will be considered in order of their occurrence in the original report.

I. To the end of realizing unity of purpose and action and a higher degree of efficiency in the State school system and of placing it in line with progressive States in school administrative practice, the survey staff recommends that appointment of the State board of education by the governor be continued. (2)

Quoting from the survey concerning conditions existing in 1926, we have:

The Board as constituted under legislative enactment has nine members. Six are appointed by the governor for six year terms. The State superintendent of public instruction,

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- (1) Constitution of the State of Utah. Article X, Sec. 8.
(2) Survey of Education in Utah. p. 19.

chairman, the president of the State University, and the president of the State Land Grant College are ex-officio members.(1)

The Committee expressed its findings concerning conditions existing in various states in 1926 and justified its recommendation as follows:

In 33 States some or all of the members of State boards of education are appointed or elected,....Power of appointment is usually vested in the governor, subject in some cases to approval by the State senate. In three States the legislature selects the board, in one State the board is elected by popular vote, and in one appointment is left to the State chief school officer. In a few States appointment is made in part by the governor, in part by certain educational boards, and in one State in part by the Senate.

While the tendency in selection of members of State boards of education is toward appointment by the governor, two methods of selection, (1) appointment by the governor, and (2) election by the people, receive the approval of authorities on school administration. The first method, appointment by the governor, has these merits: (1) It centralizes full responsibility for all the departments of public service, including the management of schools, in the executive head of the State. This tends to unity and economy in administration. (2) It protects the board from undue political influence. Selection is often restricted to an eligible list or limited in some other manner.....

Election by the people is favored by many authorities because (1) it places responsibility definitely in a group of persons elected specifically for one purpose, namely, that of having general charge of schools; (2) it represents a direct expression by the people of their wishes in the management of school affairs more nearly than appointment; (3) it follows the general custom of making those entrusted with legislative functions directly responsible to the people. It has, however, the disadvantages of political campaigning and the difficulty of influencing unselfish citizens to become candidates.

When board members are appointed by the governor he should have power to remove them as a protection against inefficiency or dissension in the board. Appointment should be representative of the State at large rather than sectional and of the most intelligent opinion of the State as to educational policy.(2)

It appears that this recommendation was given consideration by the educators and legislators of the state, and in the legislature of 1935,

(1) Ibid., p. 9.

(2) Ibid., pp. 11, 12.

Senate Bill 69 was passed removing the ex-officio members, with the exception of the state superintendent of public instruction, and making the following provisions for selection of the state board of education:

The state board of education shall consist of the state superintendent of public instruction and nine other persons, appointed by seven regional school board conventions; or by the governor by and with the consent of the senate as provided hereinafter.

All members of city and county district school boards of each of the seven judicial districts of the state shall be members of a regional school convention to be held within said district and to bear the same number as the said judicial district.

On the third Wednesday of March of each year, beginning in March, 1935, the state superintendent of public instruction shall call one of these seven regional conventions, in the order more fully hereinafter set forth, and shall fix the hour and place of said convention. He shall certify to the secretary of state and to the state board of education the name or names of members of the state board of education appointed at said convention. The term of office of appointees of said conventions shall begin on April first next following said convention.....

When a vacancy is caused by a member changing his residence from the judicial district where he was appointed to a place outside of said judicial district, or for any other cause, the governor shall fill such vacancy by appointing a member who is a resident of the judicial district where the vacancy occurs. Appointments to fill vacancies shall be for the unexpired term. In making such appointments the governor shall give consideration only to the merits and fitness of appointees, and appointments shall be made irrespective of occupation, party affiliation, religion or sex. The governor may remove any member for immorality, malfeasance in office, incompetency or continued neglect of duty.(1)

The above quotations show that a change was made in the manner of selecting the state board of education. The change was not in keeping with any recommendation of the committee. It is difficult to discover any source from which this form of selection came; in fact, it appears

(1) Laws of Utah. 1935. Ch. 56, pp. 131, 132.

to be unique among the methods employed in the United States.

II. The second recommendation made by the survey reads:

That the board be made up in large measure of laymen rather than professional educators or ex-officio officers. It should be composed in such a way that one term will expire annually.(1)

Five of the nine members of the State board of education in Utah are engaged in educational work--too large a proportion in the opinion of the survey staff. The board should employ educational experts to advise it as to educational policies, but should itself consist wholly or largely of laymen. No essential purpose is served by the presence on the board is now charged with coordinating the work of the two institutions over which these two members preside, their presence on the board, acting in a double capacity, reviewing as board members their own activities in their respective capacities of presidents of the two higher institutions, creates an anomalous situation which may easily become an embarrassing one.(2)

And concerning the term of service of state board members, the committee said:

The term of service of State board members is short. The nature of the legal provisions now governing the appointment and term of members of the State board of education prompted an investigation of actual terms served by board members from 1900 to 1926... if the general principle were followed that the board be made up wholly or largely of lay-members, their terms should be at least as long as those of ex-officio members. The table shows the opposite situation. Median length of term of ex-officio members is 5 years; of appointed members, 3 years; the averages 6.2 and 4.2 years, respectively; 14 of the 20 appointees served 4 years or less; 9 appointees, nearly half the total number, served 1 or 2 years.(3)

The president of the University of Utah and the president of the Utah State Agricultural College were removed as ex officio members of the state board of education by the legislature of 1935 which provided in Senate Bill 69:

(1) survey, op. cit., p. 78.

(2) Ibid., p. 15.

(3) Ibid., p. 17.

The state board of education shall consist of the state superintendent of public instruction and nine other persons, appointed by seven regional school board conventions; or by the governor by and with the consent of the senate as provided hereinafter.....

In March, 1935, and each seven years thereafter, regional convention number one shall appoint one member of the state board of education.

In March, 1936, and each seven years thereafter, regional convention number five shall appoint one member of the state board of education.

In March, 1937, and each seven years thereafter, regional convention number two shall appoint one member of the state board of education.

In March, 1938, and each seven years thereafter, regional convention number seven shall appoint one member of the state board of education.

In March, 1939, and each seven years thereafter, regional convention number three shall appoint three members of the state board of education.

In March, 1940, and each seven years thereafter, regional convention number four shall appoint one member of the state board of education.

In March, 1941, and each seven years thereafter, regional convention number six shall appoint one member of the state board of education for a term of seven years.

The governor shall appoint in 1935, one board member from judicial district number three, whose terms shall expire March 31, 1939; one from judicial district number four whose term shall expire March 31, 1940; one from judicial district number five whose term shall expire March 31, 1936; one from judicial district number seven whose term shall expire March 31, 1938. In 1937, the governor shall appoint one board member from judicial district number three whose term shall expire March 31, 1939. In 1939, the governor shall appoint one member from judicial district number six whose term shall expire March 31, 1941.(1)

The state superintendent remained an ex officio member as provided by the constitution of the state. The personnel of the state board is

(1) Laws of Utah, op. cit.

described by the state superintendent in this manner in 1939:

There are on the Board at the present time two school administrators of wide experience, two prominent medical men, one college professor, two high church men, one judge, one editor (a graduate of Harvard), and an amiable housewife who is a graduate of the University of Utah.(1)

Information available from the publications of the state board of education, plus information furnished the writer from the state superintendent's office, show that since the law of 1935, which provides the new method of selecting the state board of education, went into effect, the board has been constituted as follows: ,

In 1936 it consisted of the state superintendent as ex officio member, two medical doctors, two housewives, three professional educators, one newspaper editor, and one insurance man; in 1938, the state superintendent as ex officio member, two medical doctors, one housewife, three professional educators, one judge, one newspaper editor, and one insurance man; in 1939, the state superintendent as ex officio member, three medical doctors, one housewife, two professional educators, one judge, one merchant, and one insurance man; in 1940, the state superintendent as ex officio member, three medical doctors, one professional educator, one housewife, one attorney, one judge, one merchant, and one insurance man. The only significant change in the personnel of the board since 1926 appears to be the elimination of the heads of the two state institutions as ex officio members of the state board.

It appears that the legislation quoted above has largely met the requirements outlined by the survey committee for term of office and

(1) State Superintendent's Items for District School Supts. 1939, p. 894.

personnel of the board.

III. The practice of providing a per diem and necessary expenses for the State board of education is a good one and may well be continued. Membership on education boards is an honorary rather than a salaried position and should be so considered by good citizens.(1)

That this recommendation has been followed may be seen by referring to the School Laws of Utah, which read:

The members of the state board of education shall receive \$4 per day for time actually and necessarily spent in the performance of their duties; provided, that no member of the board receiving salary from the state or any subdivision thereof or from any public institution shall receive such per diem.

A statement of actual and necessary traveling expenses of members of the board incurred in attending meetings of the board must be certified by the state superintendent of public instruction and filed with the state board of examiners, who shall allow or reject the same in whole or in part in the same manner as in the case of claims for which an appropriation has been made, and an allowance the state auditor shall draw his warrant accordingly.(2)

IV. The fourth recommendation of the survey committee concerning the board of education reads:

That the functions of the State board of education be set forth in the statutes. They should include the appointment of a state superintendent of public instruction, all certificating authority, general supervision of the state school system, and other functions set forth in this chapter.(3)

In explaining the legal provisions concerning the functions of the state board which existed at the time of the survey, the committee stated:

The functions of the State board of education as set forth in the statutes are sweeping but indefinite, with corresponding indefiniteness in their interpretation and practice. Authority for carrying out the duties assigned is sometimes wanting. There is at least a possibility that this situation may result in one

(1) Survey, op. cit., p. 19.

(2) Revised Statutes of Utah, 1933. Title 75, ch. 7, Sec. 4.

(3) Survey, op. cit., p. 78.

of two extremes in interpretation and practice. A board so empowered may assume too great authority and become autocratic or it may become lax in exercising its legitimate and necessary functions because of the lack of definite authorizations. The law recently passed requiring the state board to eliminate duplication in institutions and systems illustrates the point. Each of the two higher institutions which would be concerned if the provision of the law were carried out is under direct management of a board other than the state board of education, with full authority in management, including the formulation of courses. The state board of education would undoubtedly find difficulty if it attempted to interpret and enforce the law literally.

The state board of education is intrusted with general control and supervision of the public school system, another example of large but not well-defined responsibility. That the board does not specifically exercise much authority over the school systems of the several districts of the State is shown by the different standards maintained... It exercises more authority over high schools than elementary schools, due to the fact that it is specifically authorized to establish standards, including length of term, for high schools, inspect them at least once a year, and to withhold State grants from schools which fail to comply with regulations. Elementary schools, on the other hand, share in the State funds on a scholastic per capita basis, regardless of standards maintained. If the State board were empowered to set up and maintain standards for all schools and funds were placed at its disposal to aid in the enforcement of its regulations, the board would be able to exercise the general control and supervision intrusted to it by law and constitution, which it has not now the authority to enforce.

Reasonable freedom, where such freedom is desirable, is not incompatible with definiteness in placing responsibility and authority in the enforcement of laws and regulations concerning the management and control of a school system. There are responsibilities in which freedom of action is desirable. Formulation of rules and regulations concerning certification of school officers is an example. Full authority to make and enforce such regulations should be vested in the State board of education, but the board should have considerable freedom in determining standards and in changing them from time to time as conditions warrant.(1)

The 1939 status of the state board of education may be seen from the following quotations from Title 75 of the School Laws of Utah, 1939:

(1) Ibid., p. 16.

The state board of education shall elect from its members a chairman and vice chairman whose terms of office shall be for two years. Such officers shall be elected at the first meeting of the board in April, 1935, and every two years thereafter. The duties of these officers shall be determined by the board. Upon recommendation of the state superintendent the board may appoint a secretary of the board who shall work under his direction. The salary of the secretary shall be fixed by the board, and shall be paid from money appropriated for the purpose. Also upon recommendation of the superintendent the board may appoint such directors, supervisors and assistants as are necessary to the administration and supervision of the public school system. The salaries of such directors, supervisors and assistants shall be fixed by the board, and shall be paid from money appropriated for the the purpose.(1)

The above section of Title 75 was passed by the Legislature of 1935 with the provision that it take effect March 19, 1935. Other quotations from the school laws set the powers and duties of the state board of education as follows:

The state board of education may employ necessary clerical assistance, the cost of which shall not exceed \$250 annually, which must be certified by the state superintendent of public instruction.(2)

The general control and supervision of the public-school system is vested in the state board of education. It shall adopt rules and regulations to eliminate and prevent all unnecessary duplication or work or instruction in any branch or division of the public school system and shall require the governing boards of all branches and divisions of the public school system to put the same into operation.(3)

The state board of education is hereby designated as the state board for vocational education, and the state superintendent of public instruction is hereby designated its chief executive officer.(4)

The state board of education shall by rule fix the standard upon which, and the period during the year that, high schools shall be maintained in order to obtain any part of the high school fund.(5)

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- (1) Laws of Utah, op. cit., p. 131.
 - (2) School Laws of Utah, 1939. Title 75, ch., 7, Sec. 3.
 - (3) Ibid., Sec. 7.
 - (4) Ibid., Ch. 18, Sec. 2.
 - (5) Ibid., Ch. 12, Sec. 2.

The state board of education heretofore designated as the state board for vocational education in the administration of the provisions of the vocational education act, approved February 23, 1917, is hereby designated as the board for the purpose of cooperating with the federal board in carrying out the provisions and the purposes of said federal act providing for the rehabilitation of persons disabled in industry or otherwise, and is empowered and directed to cooperate with said federal board in the administration of said act of congress, and to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise and provide for the supervision of such training. To appoint such assistants as may be necessary to administer this chapter and said act of congress in this state, to fix the compensation of such assistants and to direct the disbursement and to administer the use of all funds provided by the federal government and the state of Utah for the vocational rehabilitation of such persons.(1)

The general control and supervision of adult education is hereby bested in the state board of education of the state of Utah, except as hereinafter provided...(2)

Chapters 6, 50, and 77 provide for certain junior colleges in the State of Utah, and chapter 6 gives the duties of the state board of education in connection with such schools in this way:

The state board of education shall have the management and control of said schools, prescribe the courses of study, employ instructors and prescribe their qualifications, appoint a president for each of said schools and prescribe entrance requirements of students to the institutions.(3)

Here we find a delegation of authority to the state board of education quite in contrast with the lack of authority it holds over the University of Utah and the Utah State Agricultural College in that it is ordered to prescribe courses of study, employ instructors, hire a president, and prescribe entrance requirements. The minutes of the state board show that at various times during the year the board meets at the sites of the junior colleges for the purposes of

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- (1) Ibid., Ch. 18, Sec. 9.
 - (2) Ibid., Ch. 84, Sec. 2.
 - (3) Ibid., Ch. 6, Sec. 3.

surveying conditions and acting upon recommendations of the presiding officer of the institution concerned. Fiscal control, at least to a limited extent, is vested in the state board by section 5 of chapter 6 which provides, "All claims against either of said schools shall before payment be approved by the state board of education and the state board of examiners."⁽¹⁾ This particular chapter applies specifically to Snow and Weber Junior Colleges, but chapters 50 and 77 set up the same requirements in the payment of claims for Dixie and Carbon Colleges.

Actual differences in the status of the state board of education in 1926 and 1939 are thus seen to be slight except that it is specifically empowered to exercise considerable control over the junior colleges of the state. Certain powers concerning equalization of financial opportunities among the district and standardization of offerings of the various districts will be discussed in later topics.

V. Concerning the control of the finances and standardization the survey committee recommended, "That the board, under legislative authorization, have control of certain funds specifically provided for equalization and standardization purposes."⁽²⁾

From the comments concerning this recommendation we have:

The board should be fully empowered to adopt and enforce all regulations necessary to the full realization of its legal functions, including control of the disbursement of certain State funds provided under legislative enactment, which would enable it to inspect schools and to demand compliance with standards before grants are made, and including control of State funds specifically granted for the equalization of educational opportunities.⁽³⁾

(1) Ibid., Sec. 5.

(2) Survey, op. cit., p. 78.

(3) Ibid., p. 19.

At the time of the report of the survey committee the state board of education had no control over the finances of the elementary schools. Some control was possible of the provisions set up in connection with the disbursement of the high school fund. The provision of the law concerning this reads, "The state board of education shall by rule fix the standard upon which, and the period during the year that, high schools shall be maintained in order to obtain any part of the high school fund." (1)

Further provision is made for reports by the districts concerning attendance of high school students as well as for the inspection of the high schools of the state by the state director of secondary education at least once during each school year.

Several changes have taken place in the status of the state board of education in this respect. These have been brought about chiefly by the addition of new funds over which the state board of education, under legislative action, has at least a degree of control. There has been no change made in the distribution of the state district school fund. This fund, which is supposed to amount to \$25 per census child in the entire state, is apportioned to the various districts on the basis of school population. This was the method in effect in 1926.

The legislature of 1931 passed what is commonly known as the equalization law. This provided that:

The state tax commission shall levy annually a state tax for district school equalization purposes at such rate as will raise an amount which when added to any other state funds made available for district school equalization purposes equals as nearly as may be \$1 for the school year

(1) School Laws, op. cit., ch. 12, Sec. 2.

1932-33, \$2 for the school year 1933-34, \$3 for the school year 1934-35, \$4 for the school year 1935-36, and \$5 for each school year thereafter for each person of school age in the state as shown by the last preceding school census....(1)

The legislature further provided a formula under which this fund was to be distributed, together with specifications for determining the minimum educational program required of the district before participation in this fund was permissible. The state board of education was given control of this fund through the jurisdiction which it was authorized to exercise concerning the standards for participation. The law on the minimum educational program and the compliance with the provisions thereof reads:

The minimum uniform educational program to be provided in the various districts of the state shall include a school term of nine months; the employment of legally certificated teachers; the transportation to and from school of all pupils living more than two and one-half miles from school, or provision toward such transportation of an amount equal to the allowance hereinafter made for the apportionment of the equalization fund; such general supervision to assist the superintendent and such supervising principals as the state board of education may approve; provided, that two or more districts may combine in the employment of supervisors; the expenditure for educational supplies and equipment in such proportionate amounts as will provide for efficient instruction, the proportionate amount to be expended for such purposes to be determined by the state board of education from studies made annually under its direction; provisions for health inspection and instruction; and such other factors as may be prescribed by law. (2)

The state board of education shall determine whether the above requirements are complied with and shall have full power to require such reports as in its judgment may be deemed necessary, and shall have power to determine whether the quality of education offered in each school district justifies support from the equalization fund. Districts not approved by the state board of education in accordance with the provisions hereof shall not participate in the equalization fund....(3)

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- (1) Ibid., ch. 7, Sec. 26
 - (2) Ibid., Sec. 17
 - (3) Ibid., Sec. 25

Inasmuch as the equalization law did not reach its goal of providing \$5 for each census child until the school year 1936-37, the state board was allowed to set up temporary plans for partial participation during the intervening period. A study of the problem was carried on by the state board with a view to establishing minimum standards as provided by law. At a meeting of the board held April 20, 1936, the following standards for participation in the equalization fund were made a part of the minutes of the board:

1. The schools shall remain open a minimum of nine months. Nine months shall be construed to mean that the schools shall be open to the children at least 172 days each year. In case a district cannot maintain schools 172 days due to a condition over which the local board of education has no control, the local board of education may file a written statement of cause with the secretary of the State board of Education prior to May 1 of the current year. The State Board of Education reserves the right to determine whether the cause is justifiable.

2. All teachers employed shall be legally certificated.

3. (a) Transportation shall be provided to and from school for all pupils living more than two and one-half miles from school or reasonable provisions toward transportations shall be provided. The State Board of Education shall determine what constitutes a reasonable allowance.

- (b) Definition of $2\frac{1}{2}$ miles. - Two and one-half miles shall be considered to be two and one-half miles from the domicile of the child to the nearest school in the district that has the appropriate grade for the child in the school measured via the closest public highway.

No student shall be considered as transported two and one-half miles under the provision of the equalization law unless he shall live more than two and one-half miles from school as provided in the above definition of two and one-half miles regardless of the excess distance he rides in a school bus.

4. All one and two room schools shall be approved by the State Board of Education before qualifying under the equalization law as provided under 75-7-27 of the Revised Statutes of Utah. The local boards of education shall submit a list

of such schools which they wish approved for the following school year to the secretary of the State Board of Education on or before April 1 of each year.

5. Adequate supervision shall be provided as specified under 75-7-25 of the Revised Statutes of Utah 1933. The State Board of Education shall determine what constitutes adequate supervision. The superintendent of each district shall submit the program of supervision to be employed in his district during the following school year to the secretary of the State Board of Education on or before April 1 of each year for approval.

6. An expenditure shall be made each year of at least one dollar per child enrolled in grades one to eight inclusive for educational supplies. Provided that upon petition of the superintendent of a district the State Board of Education may permit a lower expenditure for the district if such is justifiable.

7. An expenditure over a two-year period averaging at least seventy-five cents per child per year in grades one to eight inclusive shall be made for textbooks. Provided that upon petition of the superintendent of a district, the State Board of Education may permit a lower expenditure for the district if such is justifiable.

8. An expenditure shall be made each year of at least twenty-five cents per child enrolled in grades one to twelve inclusive for library books and magazines. Provided that upon petition of the superintendent of a district the State Board of Education may permit a lower expenditure for the district if such is justifiable.

9. Every pupil in the public school from the first to twelfth grades inclusive shall have instruction in health and hygiene for a period of fifteen minutes daily or its equivalent, the program to be approved by the State Department. The local board of education shall provide the following for every school in the district: (1) A clean and sanitary toilet, (2) Washing facilities for the pupils - soap, towels, water, washbasin, (3) Sanitary drinking water, (4) A first aid kit. It is further recommended that each district board work in conjunction with the State Board of Public Welfare and the County Commissioners in securing nurse service.(1)

(1) Minutes. Book II. p. 122, April 20, 1936

While the amount of money available through this equalization fund has proved to be entirely inadequate to meet the equalization formula provided by the legislature, it has, nevertheless, given the state board of education increased jurisdiction over the schools of the state. The records of the state department of education show that 34 of the 40 districts of the state participated in the equalization fund during the school year 1938-1939. This indicates that these 34 districts met the requirements of the state board of education in providing the minimum program as outlined by that board. It is not meant to infer that the other six districts did not participate in the equalization fund because of lower standards, but rather because local revenues met the needs of the equalization formula without assistance from the equalization fund.

It appears safe to assume that the equalization fund gives the state board of education the greatest amount of control that it now has over the schools of the state. Apparently, much can be done through the administration of this fund to raise the standards of the various schools. The adequacy of the fund provided will be considered in a later section of this report.

The other fund which has been established since the survey of 1926 was made is the uniform school fund. Although approximately 85 per cent of this fund is apportioned according to legislative formula on the basis of statistical data available from the district, the law provides that the first \$5,000 from the fund be used by the state board of education to defray the cost of investigating inequalities which exist among the several districts of the state, and that 15 per cent of the fund be used as the state board sees fit to attempt to

equalize these inequalities. As the amount of money available to this fund increases, as it appears that it may do, the state board may use up to \$75,000 as an equalizing factor among the districts of the state.

The state department exercises control over the vocational education and the vocational rehabilitation work throughout the state, but its powers in these respects are essentially the same as they were at the time of the 1926 survey. The legislature of 1937 authorized the State of Utah to accept federal assistance for adult education work within the state and designated the state board of education as the governing body in charge of this work within the state. As such the board has the power of establishing policies, in conformance with federal requirements, for adult education throughout the state.

VI. The sixth and last recommendation concerning the state board of education has to do with certification of teachers. It recommends, "That the board revise the qualifications demanded for certificates of teachers, supervisors, and administrative officers in accordance with the suggestions in this chapter."⁽¹⁾ The following quotation serves to explain the above recommendation:

Utah is among the most progressive States in the matter of teacher certification in at least three ways: (1) Certificates are issued on the basis of credentials from approved institutions showing courses in and credits for academic and professional training rather than examination; (2) the minimum prerequisite for certification, namely, two years of education of higher grade, including education courses, is as high as in any other State; (3) the practice of differentiation among types of certificates corresponding to types of work, as junior high school, supervisory certificate, administrative certificate, etc., has been established.

Full centralization of certificating functions in the State department of education is, however, not fully realized. The university

(1) Survey, op. cit., p. 78

issues certificates on its own responsibility--authority which should be centered in the State department of education. The requirements for certificates so issued, and the corresponding facilities offered prospective teachers for sound professional training, are relatively inferior, as might be expected when an institution is sole arbiter of these standards. The State has no systematic teacher-training certification program carefully worked out and articulated in its several ramifications. The law requiring all teachers to hold certificates and the regulations setting up requirements are not rigidly enforced. Results of these weaknesses are apparent throughout the whole State school system.

The survey staff believes that the time has come when the efficiency of the Utah State school system waits on a superior teaching and supervising staff. The remedy lies in strengthening the teacher service in the State department; in more and better facilities for training teachers, supervisors, and superintendents offered in institutions; in the proper coordination of the efforts of these two services; and in the rigid enforcement of such regulations as shall eventually be determined.

All certificating authority should be centered in the State board of education. There can be little question as to the desirability of such centralization. The State is interested equally that all children of the State be taught by thoroughly competent teachers, and that the teachers' efforts be directed by able supervisors and superintendents. The State board of education, functioning through the State department, should govern the standards of teachers, supervisors, and superintendents, and have regulatory control of courses leading to the preparation and certification of teachers, supervisors, and superintendents for the schools of the State. The law requiring all teachers paid from public funds to hold legal certificates should be immediately and rigidly enforced, and that permitting the university to issue certificates should be repealed.

The certification regulations now established should be revised and strengthened. Requirements should be measured not only in terms of number of credits accepted but also in type and quality of courses required. Opportunity for renewals or exchanges for higher grade certificates on the basis of successful experience and professional growth should be definitely provided and criteria for this exchange established.

A beginning has been made in specialization of certificates according to the type of work. Specialization should be extended to include an increased number of different kinds of certificates corresponding to an increased number of special-

ized fields of work. Specialized qualifications and experience for certificates in each field, graduated according to grade and status of certificate offered, should be required.

In each field or class (as kindergarten-primary, junior high-school, etc.) there should be opportunity for applicants to receive certificates of the different grades established, including the highest grade. The highest certificate in each of the different fields should represent the same, or approximately the same, professional status as to amount of general and specific training, experience, and the like. The purpose is to formulate regulations so that a teacher who wishes to specialize in any one field of work, say upper elementary grades, for example, should be able to secure as high a grade of certificate in that field as can the teacher who specializes in junior high-school work or other fields of teaching. At present a primary teacher who wishes to hold an advanced grade of certificate (and receive the accompanying higher salary according to established rules in some districts) must work for a high school certificate in order to do so. The principle here enunciated is that a skillful teacher should be able to aspire to the highest teaching certificate offered in the State and the best salary offered in the system through quality of service and amount of professional training rather than because of the particular field in which he specializes.

The regulations of the State board of education should set up several types or grades of certificates in each of the several different fields or classes decided upon for specialization. These will include the following: In the elementary field, kindergarten-primary certificates and upper-elementary or intermediate-grade certificates; in the secondary field, junior high-school certificates and senior high-school certificates, the latter carrying some indication of the specialized subjects the candidate is prepared to teach; special certificates, as for example agriculture, home economics, health, music, the arts, etc.,; special certificates representing groups of subjects, or high school certificates specifying groups of subjects, as English and history, may be included; supervision and administration. Two or more certificates in each of the different fields represented should be provided, provisional (or probationary) certificates and "permanent" certificates, the latter effective during continuous good service or under conditions set forth by State regulations. No life certificates should be issued. "Permanent" means effective during continuous good service and should require that the applicant present evidence satisfactory to the board that the type of service rendered is efficient and that professional growth in service is continuous. Probationary certificates may be issued in each of the different teaching fields on evidence of the required academic and professional training. Permanent certificates require in addition

successful teaching experience. They may or may not require more academic or professional training. In the secondary field certificates should bear on their face evidence of the subject or subjects in the secondary field which the applicant is fitted to teach. Fitness should represent pursuance of educational courses and major courses in the special subject or subjects applicant is certificated to teach. Supervisory and administrative certificates should be issued only to those who have had successful teaching experience, as well as general and specific training in the field represented by the certificate. In these two fields provisional or probationary certificates represent at least teaching experience; permanent certificates represent successful supervisory or administrative experience, according to the respective certificate issued. (1)

The minutes of the state board of education show that on June 24, 1927, three of its members were appointed to revise the state requirements for certification. They further show that this committee made its report to the board on April 20, 1938, and that with some modifications the report was accepted by the board and published in a certification booklet under date of 1928 as the policy of the board concerning certification of teachers. The classes of certificates to be issued as enumerated were:

General Administrative Credentials

1. Life diploma in administration of high school grade
2. Five-year certificate in administration of high school grade.

Supervision Credentials

1. Life diploma in supervision of high school grade
2. Five-year certificate in supervision of high school grade
3. Life diploma in supervision of junior high school grade
4. Five-year certificate in supervision of junior high school grade

(1) Ibid., pp. 44-46.

5. Life diploma in supervision of elementary grade
6. Five-year certificate in supervision of elementary grade.

General High School Teaching Credentials

1. Life diploma of high school grade
2. Five-year certificate of high school grade.

General Junior High School Teaching Credentials

1. Life diploma of junior high school grade
2. Five-year certificate of junior high school grade.

General Elementary Teaching Credentials

1. Life diploma of elementary grade
2. Five-year certificate of elementary grade
3. Two-year certificate of elementary grade.

Special Credentials

Supervision Credentials

1. Life diplomas in supervision in
 - (a) Art
 - (b) Music
 - (c) Stenography, typewriting, and bookkeeping
 - (d) Domestic art
 - (e) Industrial arts.
2. Five-year certificates in a-e inclusive.

Special High School Teaching Credentials

1. Life diplomas of high school grade in
 - (a) Music
 - (b) Art
 - (c) Physical education

- (d) Stenography, typewriting, and bookkeeping
- (e) Domestic art
- (f) Industrial arts and farm mechanics

2. Special one-year certificates in above.

Special Elementary Teaching Credentials

- 1. Special diplomas in subjects especially qualified to teach (subjects not specified)
- 2. Special one-year certificates as in "1."

Briefly, the granting of high school credentials was based upon the equivalent of four years' college work with certain specified subjects; the junior high school credentials on the equivalent of three years' work, and the elementary upon the equivalent of two years' work, with the exception of the 2-year elementary certificate which was granted on the equivalent of one year's work. Diplomas, good for life, were based on the above, plus experience, while the certificates were based on preparation alone.

The minutes of the state board show that a continuing study was made of certification requirements and standards, and in 1935 another booklet was issued setting forth the requirements for the following certificates:

General Administrative Certificates

- 1. Five-year certificate in administration of both high school and elementary grade.

Supervision Credentials

- 1. Five-year certificate of high school grade
- 2. Five-year certificate of elementary grade. .

General High School Teaching Credentials

1. Five-year certificates of high school grade.

General Elementary Teaching Credentials

1. Five-year certificate of elementary grade.

Special Credentials

1. Supervision credentials in
 - (a) Music
 - (b) Art
 - (c) Stenography and typewriting
2. Special subject teaching certificates
 - (a) First class 5-year certificates for all grades in
 - (1) Music
 - (2) Art
 - (3) Stenography and typewriting
 - (b) Second class 1-year certificates in 1-3 inclusive
3. Librarian's credentials
 1. First class 5-year certificate
 2. Second class 1-year certificate
4. Coordinator's credentials
 1. First class 5-year certificate
 2. Second class 1-year certificate

The above listing of certificates shows that life diplomas were no longer issues; neither were junior high school certificates. Generally, the requirements for certification were the equivalent of four years' college work for high school credentials and three years' work for elementary, with certain subject specifications in each case. Librarians' and coordinators' credentials were added as a further step in specialization.

Another bulletin was issued under date of August 1, 1939. Because it differed but little from the issue of 1936, it appears unnecessary to again list the certificates provided. It does announce that by 1942 beginning elementary teachers shall be required to have the equivalent of four years' college work, and that one of the elementary certificates that will then be granted will be a special certificate in kindergarten work.

In 1938 a special certification booklet was issued which set forth the requirements for certification in the various vocational fields which might be subsidized by federal funds. The certificates listed are:

1. First class 5-year certificates in
 - (a) Vocational agriculture
 - (b) Farm mechanics
 - (c) Vocational home economics
2. Second class 2-year certificates in a-c inclusive
3. Class A 3-year certificates for
 - (a) Local directors and coordinators of trade and industrial education
 - (b) Vocational trades and industrial subjects (day classes)
 - (c) Teachers of evening vocational trades and industrial classes
 - (d) Teachers and coordinators of part time general continuation schools or classes
 - (e) Distributive occupations
 - (f) Teachers of vocational distributive occupations in part time schools or classes
4. Class B three-year certificates 3 a-b

5. Special 1-year certificates in 3 c-f inclusive

6. Non-vocational certificates in industrial arts

(a) Class A 3-year certificate

(b) Special 1-year certificate

The importance of this booklet and its provisions appears to be in provision for further specialization for certification in special subject fields.

Available information indicates that the ideal of all certifying authority being centered in the state board of education has been achieved. While the law concerning the University of Utah still provides that that institution has the right to issue certificates and diplomas, a more recent law provides that the state board issue diplomas and certificates of various ranks, and further provides that it may accept certificates issued by the University of Utah upon indorsement by the chairman of the state board. The law is vague concerning provision for specific certifying authority, and it evidently proved confusing to the state board, because the minutes of that body show that on May 8, 1934:

On motion the chair was requested to submit a request to the Attorney General for his opinion on the power of the State Board of Education to issue and revoke certificates, and also to determine if legal teaching certificates can be granted by any other body or institution.(1)

That this request was carried through is evidenced by the fact that on May 23, 1934, the attorney general ruled:

The State Board of Education has the sole power to issue public school teacher certificates and diplomas. It is illegal for any board of education to pay from public funds the salaries of teachers who do not hold legal certificates issued by the State Board of Education.(2)

(1) Minutes. Book II, p. 68, May 8, 1934.

(2) School Laws. 1939, p. 81.

This is an example of clarification of the law by the attorney general having the same effect as legislation, because none of the laws cited in his opinion were passed after the time of the 1926 survey.

CHAPTER II

THE STATE SUPERINTENDENT

The survey committee made five definite recommendations as a conclusion to its section dealing with the state superintendent. These recommendations will be treated in order of appearance in the original report.

I. The first recommends, "That the State superintendent of public instruction be appointed by the State board of education for a term continuing during good service." (1)

In support of this recommendation the following statements are made:

The elective method of selecting school officers is not considered one calculated to get the best results. Progressive states are looking toward a change to a more scientific method of selection, usually appointment by boards of education. This method has been found satisfactory in the selection of city superintendents, presidents of universities and colleges, and in many progressive States (of which Utah is one) county or county-district superintendents. It is recognized that the State superintendent of schools should be a technical expert removed from politics and political entanglements. If trained leadership of a high type is to be secured for developing a State's school system, its superintendents should be selected in a manner that appeals to qualified persons...

There is general agreement that political offices are usually uncertain in tenure, restricted in salary, and subject to fluctuations which have little connection with ability to conduct an office in which technical or professional work is carried on. Tenure of office in a State superintendency, as in other educational positions, should be during good service rather than for a specified term...

The appointive method of selecting State chief school officers, as of similar educational officers by boards of education, has proved the most satisfactory one for securing and retaining educators of eminent ability and reputation... In general, they serve long terms. (2)

(1) Survey, op. cit. p. 78.

(2) Ibid., pp. 21, 22.

This recommendation renewed an agitation which had been brewing for a number of years to amend the constitution so that the state superintendent would not be an elective officer. The biennial reports of the state superintendent to the governor of the state show this as a recurring recommendation. Various agencies throughout the state gave impetus to the movement and it resulted finally in a constitutional amendment being approved by the two houses of the legislature on March 14, 1935, and placed before the people in the general election of 1936. This amendment would have removed the stipulation that the state superintendent should be elected by the people, and would have provided for the state school system to be administered as the legislature should provide. The amendment failed of passage and so the provision for choosing the state superintendent remains the same as it has been:

There shall be chosen by the qualified electors of the state at the regular state election.....every four years a superintendent of public instruction hereinafter called the state superintendent.... His term shall be four years from the first Monday in January following his election and until his successor is elected and qualified...(1)

II. The second recommendation concerned itself with the eligibility of the superintendent. It recommends:

That the board be free to choose as the State chief school officer an educator qualified by training, experience and eminent service, and of high personal character selected from a list of eligibles representing as comprehensive a field as possible. Educators within and without the State should be considered in the selection. The board should be governed wholly by fitness for the position and be free to pay the salary necessary to secure the person best qualified.(2)

(1) School Laws, op. cit., Title 75, Ch. 8, Sec. 1.

(2) Survey, op. cit., p. 79.

In explanation of the above recommendation the survey staff said:

If the State superintendent of public instruction and his office, the department of education, are to be a force in the educational affairs of the State, wider powers and increased authority should be delegated to him through statutory provision or by the reorganized board of education whose executive officer he should be.

He should be the accepted professional leader, with ability and power to set up and maintain educational standards for all the schools of the State. The recognized prestige which should attach to the State's chief educational officer, if this conception of his functions is realized, is fostered by association of the office with high educational qualifications; eminent educational service, of which the tendering of the office is an acknowledgment; adequate salary comparable with that paid other high educational positions in the State, and permanent tenure during good service. It is not believed that this kind of service can be secured, at least not in the degree which the best educational interests of the State demand, so long as there is indefiniteness and overlapping of authority; so long as the salary is lower than that paid several local superintendents in the State and the presidents of the State higher institutions of learning, and so long as political considerations may govern the selection and, to a certain extent at least, the actions of the superintendent after his election.

....In the opinion of the staff it will be difficult if not impossible to build up a State system in compliance with the recommendations of this report and to effect the reorganization of the State department suggested if the elective system of selecting the State superintendent is retained....

....The staff commends the practice which some States follow, of seeking outside their own borders for qualified persons to accept the position of chief State school officer. In doing so it does not wish to be understood as recommending this as a universal practice in Utah. It may or may not be desirable. In this the State board of education, endowed with the power to appoint the State superintendent, should use its judgment. It should, however, be in a position to do so, as are State boards of education in several States, if such action is for the best interests of the schools.(1)

With the failure of the constitutional amendment, which would have removed the superintendent as an elective officer, failed any other attempts to follow the recommendations of the committee

(1) Ibid., p. 26.

concerning the eligibility of the chief state school officer, and the law provides that the people shall elect a superintendent

....who at the time of his election shall be a qualified elector, shall have been a resident citizen of the state of Utah for five years next preceding his election, shall have attained the age of thirty years and shall be the holder of a state certificate of the highest grade issued in some state or shall be a graduate of some reputable university, college or normal school... His term shall be four years from the first Monday in January following his election and until his successor is elected and qualified.(1)

Title 87, Chapter 1, Section 1, of the Revised Statutes of Utah provides that the salary of the state superintendent shall be \$4,000 per year. We may see in the retention of the above provisions in the laws of the State of Utah a failure to do anything that might raise the standards to be met in filling the office of state superintendent. So long as these provisions remain as they are, it is impossible for the state board of education to set any requirements for the eligibility of the superintendent; likewise, with politics entering to the extent that they do, and with the salary limited by law, it appears that there is little likelihood of drawing the interest of the educators who should be best qualified for this position. Requirements for the position are sufficiently low that anyone who can secure the political backing necessary to be elected may qualify for the office with a minimum amount of professional preparation.

III. Sensing that the people of Utah might be unwilling to give up the right to elect the superintendent, or that the politicians might have too secure a hold on the votes of the people to permit a

(1) School Laws, op. cit.

constitutional amendment to that effect to be passed, the survey staff offered the following alternatives:

That if the people of Utah are unable to accept the preceding recommendation, consideration be given to the following alternatives: (1) appointment by the governor; (2) election at a time when voting will be distinct from election of other State officers; (3) that the position be made more attractive by an increase in salary and the lengthening of term to six years.(1)

In following through the efforts that have been made to remove the office of state superintendent from politics, it appears that all efforts have been directed toward putting over the constitutional amendment to make the office non-elective and that no particular work has been done with a view to putting into effect any of the alternatives offered by the survey staff.

IV. The fourth recommendation concerning the state superintendent provided, "That the chief duties of the State superintendent be defined by law."(2)

Commenting on the situation existing in Utah in 1926, the survey staff stated:

The duties of the State superintendent as defined in law, like those of the State board of education, are general in character. He is charged with the administration of 'the system of public instruction and the general superintendence of the business relating to district schools of the State and of the school revenue set apart and provided for their support, and shall have power of investigation of matters pertaining to the public schools.' Specific duties set forth in the law are concerned with the disbursement of funds, the preparation and transmission to school officials of forms and blanks for reports, meetings with school officers, advising teachers, lecturing to institutes, advising with school officials and the preparation of a biennial report.

Judged by statutory provisions concerning the selection, salary, qualifications, and functions assigned to the chief State education officer the people of Utah underestimate the

(1) Survey, op. cit., p. 79.

(2) Ibid.

importance of this official and of the department of education under his direction... The old idea of the office as a clerical and statistical one which can well be political rather than professional in character--in the sense that a city superintendency or the presidency of a State university is professional - still holds in many States.

There is developing in the United States a new and enlarged conception of education, and with this new development a new importance attaches to the State's chief educational officer. The type of educational leadership called for required ability to administer the manifold problems of modern school organization and administration generally, special educational legislation, interrelation of the elementary and high schools, etc. The State superintendent under the new regime should be removed as far as possible from the influence and interference which arise through party politics or other political forces within the State.(1)

The State superintendent and his office share in the deleterious effects of the weaknesses of the Utah law governing the functions of the State board of education to which reference has been made, particularly those concerned with setting up and maintaining educational standards in the different school systems of the State... The survey staff was particularly impressed with the need of more vigorous and specific educational leadership on a high professional plane.(2)

A perusal of the school law as it exists now (1940) shows that the state superintendent is charged with the general administration and superintendence of the school system of the state; may apportion the state district school fund as provided by law; must adopt and keep a seal and use it when necessary; must prepare report forms and furnish same to district superintendents throughout the state; must print and circulate a summary of his rulings and opinions; must visit the principal school and the school boards in each district at least once a year; must meet with school officers, lecture at institutes, etc.; must answer questions arising concerning the school laws of the state, and seek rulings from the attorney general on same; must prepare and

(1) Ibid., pp. 20, 21.

(2) Ibid., p. 26.

submit to the legislature a budget for the state office for each ensuing biennium; must estimate and report his estimate of the amount of money that will be available to each district from the equalization fund for the next succeeding year; may call annual convention of school officers; must approve building plans for school buildings if expenditures are to exceed \$5,000; must formulate and enforce a building code for school building purposes; must serve as a member of the textbook commission; may recommend state directors to work in the state department of education; must serve as a member of the course of study committee and must provide courses of study for instruction in character education and the harmful effects of the use of tobacco and narcotics; must see that high schools are inspected and high school fund is apportioned.

This description of his duties and powers indicates that very few changes have been made in these provisions since the time of the report of the survey committee. Legally, the state superintendent of public instruction is chiefly a clerical officer with a few administrative powers.

V. The last recommendation made by the survey staff concerning the state superintendent provided, "That if the State superintendent is appointed by the State board of education as recommended, he be the executive officer of the board." (1)

The school laws of the state provide that the state board of education shall elect from its members a chairman and vice-chairman whose terms of office shall be for 2 years. There is no provision in the law that the state superintendent shall be the chairman of

(1) Ibid., p. 29.

the state board, but the minutes of the state board of education show that the state superintendent has been chosen to act as the chairman of the state board of education. Here, again we have a situation that appears to be paradoxical. The survey staff recommended that if the superintendent be appointed by the state board, that he should act as its chief executive officer; but made no recommendation as to his acting in this capacity if he continued to be elected. Practice has made the politically-chosen superintendent the chairman and executive officer of the state board of education.

CHAPTER III

THE STATE DEPARTMENT OF EDUCATION

After surveying and making recommendations concerning the state superintendent and the state board of education, the survey staff turned its attention to the state department of education. Here it was concerned with duplication of effort, lack of cooperation among the various directors, and the consequent lack of efficiency within the department. Six recommendations were made concerning the department, but the last five were so closely related to the first one made that they may be considered as sub-topics under the one general recommendation. It is in this manner that they will be treated in this paper. As presented by the survey staff, the recommendations read:

That the State department of education be reorganized and enlarged as outlined.

That the work of the department, particularly that of supervision, be coordinated and that the functions of the several sections be defined in regulations of the State board of education.

That all supervisory functions be under the direction of a director of supervision in order that this service be coordinated and placed on a high professional plane.

That a research and statistics service and a State teacher's service be provided in the State department as immediate necessities and that gradually as conditions warrant, other recommendations herein contained be adopted.

That the staff be selected on the nomination of the State superintendent of public instruction by the State board of education and be made up of persons eminently qualified for the work for which they are selected.

That salaries of the staff of the State department of education be commensurate with the importance of the work assigned. (1)

Commenting on general conditions existing concerning the state department the survey staff says:

A number of important activities usually carried on in State departments of education are now wholly or partially neglected; that is, receive part-time service of staff members whose major responsibility is for other work. Among them are those concerned with health and physical training, educational statistics, research, school attendance and child accounting, supervision of buildings, of educational programs of superintendents, and in-service training for superintendents, supervisors, and teachers. Neither in size of personnel nor specialized training and experience is the staff equipped for many of these and other activities commonly carried on by State departments of education.

The survey staff believes that a reorganization of the State department should be undertaken as soon as possible. Increase in the size of the staff is desirable, but even without additional numbers, reorganization and coordination of functions would add to the efficiency of the department. Among the most obvious needs are: (1) Reorganization and strengthening of the supervisory functions (2) more aggressive professional leadership and direction of local systems; (3) provision for in-service training of superintendents and supervisors; and (4) research and educational statistics service. (1)

Concerning the general organization of the department at that time, the staff reported:

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- (1) Ibid., p. 79.
(2) Ibid., pp. 33, 34.

The State department of education in Utah is composed of the State superintendent, and assistant State superintendent, three general supervisors, and one statistician paid wholly from State funds; four supervisors paid from State and Federal funds; four clerks, two paid from State funds and two from State and Federal funds.

...There are three "general" supervisors responsible for the supervision and guidance of the general school work distinct from that of special subjects—in Utah, vocational subjects. Supervisors of these special subjects are paid in part from vocational funds and expected to observe certain regulations of the Federal Board for Vocational Education. The high-school inspector and director of vocational education is responsible for coordination of the work of the four supervisors of vocational subjects. The intermediate and primary supervisors are assigned supervision chiefly of the grades indicated. The former assumes supervision of junior high school grades as part of his work. In practice there is apparently not a well understood differentiation of work among the elementary supervisors nor a coordinated program for supervision. All of the State supervisors work directly with teachers rather than with local supervisors, to a great extent assuming the functions of local supervisors. The supervisors participate in institute work in the local districts, being responsible in a large measure for such training in service as the institutes provide for local teachers.

Inspection is a function of supervision concerned almost wholly with the high-school grades.

The State high-school inspector, the supervisors of trades and industrial education, of agricultural education, and of home economics education are concerned chiefly with work in the secondary schools and grades. The supervisor of rehabilitation is part-time supervisor of school library work, the latter a rather nominal position at the present time. The supervisor of agriculture will in the future spend part time as instructor in the State agricultural college.

In a large measure the work of the statistician is concerned with the collection and summary of statistics for this (the state superintendent's biennial) report, of general business routine of the

office as is related to statistics. The supervisors also contribute to its preparation.(1)

Figure 1 represents the proposed organization of the state department suggested by the survey staff.

(1) Ibid., pp. 29-30.

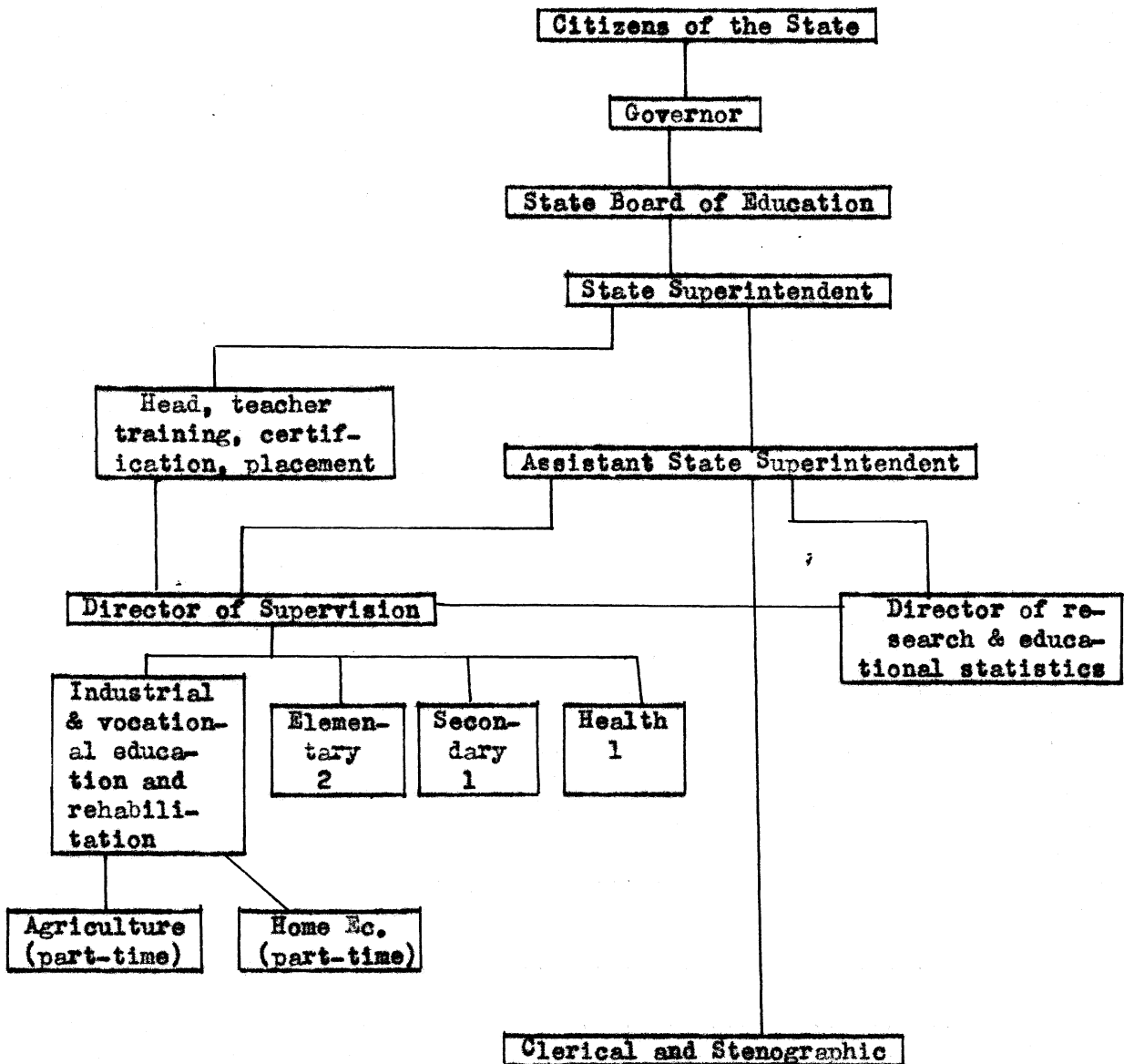


Figure 1. Proposed organization of the State Department of Education of Utah. (1)

(1) Ibid., p. 39.

In explanation of the diagram representing the proposed organization the staff said:

It (the proposed organization) aims to comply with the spirit of the State constitution—which considers the State board and the department of education as the directing head of the public school system, including all schools from the kindergarten to the university—and with modern educational theory.

The proposed organization contemplates, on the part of the State department of education, direct supervising and inspectorial power over the lower schools. Indirectly, through cooperation with the authorities in higher education., and through the State superintendent's membership on the board of management of the higher institutions, it provides a means for adjustment between the lower schools and school policies and the machinery and policies of higher education in the State. In the elementary and secondary schools the State department will carry on its work under statutory provisions and through the State board of education regulations setting forth requirements regarding attendance at school, courses of study, graduation requirements, textbooks to be used, apportionment of State school moneys, administrative procedure in district organizations, certification of teachers, school buildings, financial and educational reports, and other things of this general character. In the field of higher education the department will participate, not through dictation of policies, but through leadership and coordination. Specifically it will influence the nature of the courses offered for teacher training through certification and through representation by the State superintendent on the board of management of the higher institutions; through standardization of secondary schools it will influence the entrance requirements and courses in higher institutions; through the State superintendent's membership on the State board of higher education it will have a direct voice in legislative control of State higher institutions. In this and similar ways it may fulfill its responsibility for coordinating the higher and lower schools. Higher institutions must preserve an individuality of their own, but they have a responsibility with reference to the lower schools for the fulfillment of which

cooperation with the state organization is essential in the building up of a unified state educational policy.

The plan of organization suggested contemplates a unified scheme with a single head and with responsibility clearly defined and definitely placed. The people elect a governor, the governor appoints the state board of education, the state board of education appoints the state superintendent of schools, who is the executive head of the board and the directing agency in the system. While the survey staff recommends appointment by the state board of education, the continuance of the popular election method need not necessarily prevent all the other benefits of the system of organization shown here.(1)

The minutes of the state board of education do not indicate that any action was taken with a view to reorganizing the state department until after the election of 1932 when a state superintendent of a different political party came into power. It appears that one of the first objectives toward which he directed his attention was the reorganization of the department. This is evidenced in the minutes of the state board under date of January 14, 1933, as follows:

H. WARREN TAYLOR - Superintendent Skidmore then briefly addressed the Board on certain problems confronting the Board and the question of the organization of the State Office. He named Mr. H. Warren Taylor, Supervisor of Elementary Education in the Box Elder School District, as Secretary of the Board and also as Director of Elementary Education. Mr. Taylor's nomination was accepted unanimously by the Board...The question of appointing other members in the staff of Superintendent Skidmore was deferred until the next meeting.(2)

In the minutes of the state board under date of January 20, 1933, there appears the following concerning the state department:

REORGANIZATION OF STAFF - The main business of the meeting was a consideration of the reorganization of the State School Office as suggested by Superintendent Skidmore. The superintendent recommended a change in

(1) Ibid., pp. 38-40

(2) Minutes, op. cit., p. 41, Jan. 14, 1933

the organization of departments as follows:

1. Department of Research and Service, including necessary bookkeeping and statistics.
2. Department of Elementary Education, including the assistant superintendent, and a lady director of lower grades.
3. Department of Secondary Education, combining the work of junior and senior high schools, high school inspector, and such junior college work as may be under the direction of this board.
4. Department of Vocational Education, directing all state and federal contracts of a practical nature.
5. And, when normal times return, a department of health and physical education...carried.(1)

As one looks back at this procedure, it appears that it was probably the result of a combination of at least three motives. The country was in financial straits at that time, and the budget of the state department of education had been slashed with requests that further cuts be made. The reorganization made possible the eliminating, through combination of offices, of some members of the staff as an economy move. There was doubtlessly some desire to carry through, in part at least, the recommendations of the survey staff which were now 6 years old and had apparently been tabled after their receipt. Finally, political pressure may have entered to some extent. At any rate the majority of the members of the state department were replaced within a few months after the new superintendent took office.

The Twentieth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1934, describes the organization and functions of the state department after the reorganization of 1933. Figure 2 illustrates the theory

(1) Ibid., p. 42, Jan. 30, 1933.

ORGANIZATION OF DEPARTMENT OF EDUCATION
Diagram of Relationships

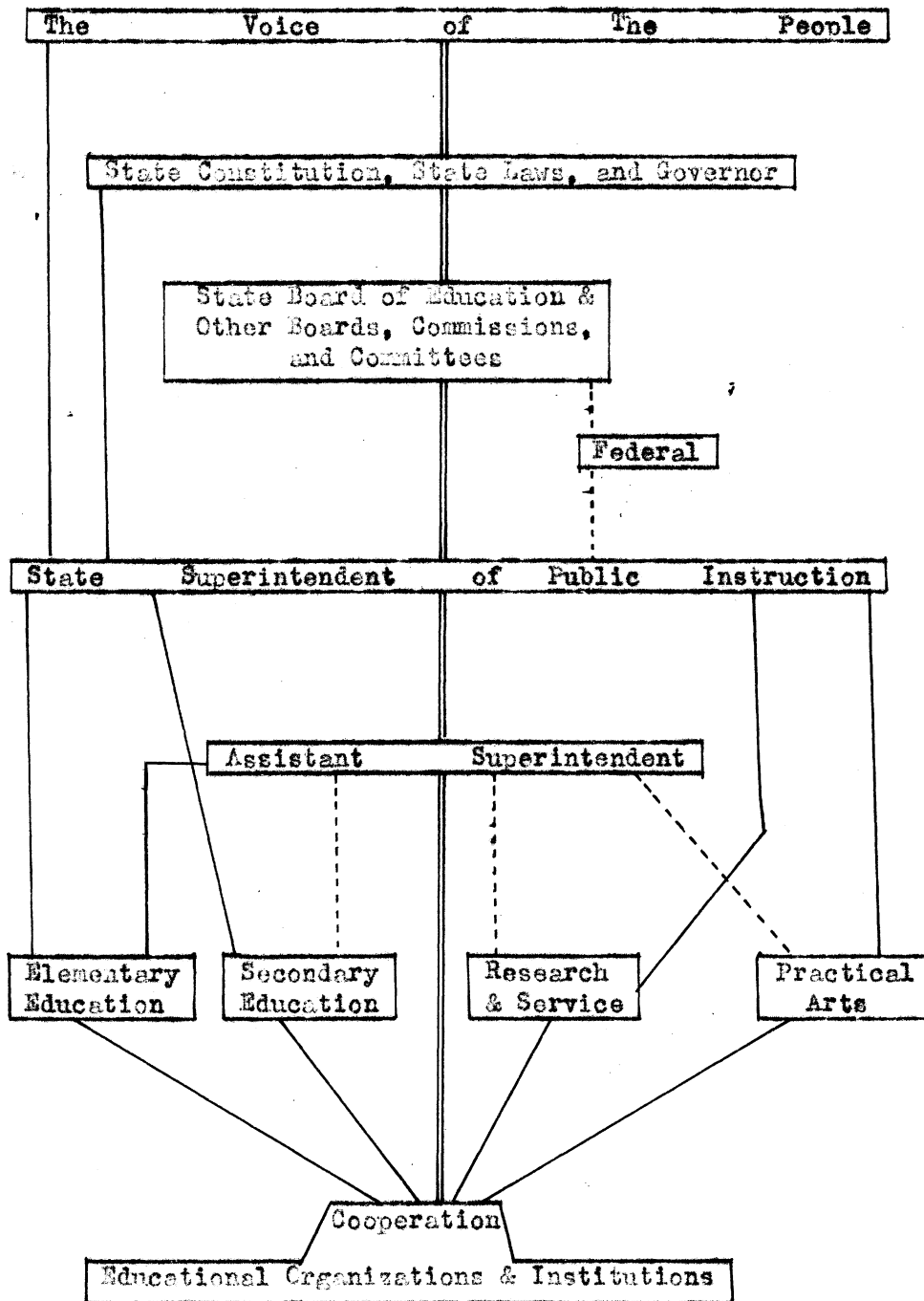


Figure 2. Organization of State Department of Education,
Utah, 1934 (1)

(1) Ibid., p. 34.

of the organization. The report of the superintendent concerning the department can best be used to describe the department. Because the duties and responsibilities of the state superintendent have been treated in Chapter II of this report, they will not be analyzed here. One quotation concerning his work merits inclusion before proceeding to the consideration of the work of members of his staff. He reports:

Although his (the state superintendent's) staff is too limited in number to accomplish all that might be expected of a progressive state department, yet he appreciates highly the daily assistance of eight well-trained staff members and several competent clerks.(1)

His analysis of the department continues:

Functions of Assistant Superintendent

The functions of the assistant superintendent, as the name implies, are intimately associated with those of the superintendent. He is constantly in close touch with the major plans of the Department, and when the superintendent is absent he performs such work of the superintendent as needs immediate attention.

The assistant superintendent is in charge of office work, publications, issuance of certificates, and general correspondence. All stenographers, typists and clerks are directly responsible to him. He is secretary of the boards, commissions, and committees of the State Department of Education. In a professional capacity he is Director of Elementary Education. As time will permit, he attends institutes and visits schools. At present his greatest school problem is how to give proper encouragement to immediate supervisory activities, which may be carried over a long term into an ever forward-looking program. In the lower grades he has the invaluable assistance of a well-trained primary supervisor. With her guidance Utah may more nearly live up to the principle so generally accepted in educational circles, that every state should make provision for the early and systematic education of its children.

Primary Supervisor

The primary supervisor desires to plan supervision

(1) Twentieth Report of the Superintendent of Public Instruction of the State of Utah for the Biennial Period Ending June 30, 1934. p. 36.

that is kindly, sympathetic and sensitive to the human factors involved, as well as a scientific procedure, so that teachers will seek in-service training.

She will assist, preferably upon the request of the local superintendents and supervisors, to give help to institute programs, group and individual conferences, teachers' meetings, classroom recitation, planning research, curriculum construction, circulars, and bulletins.

As her time is given to the entire State she can not direct personally all the primary teachers. She is anxious to get in contact with as many leading teachers as possible who will profit by her suggestions and who will inspire other teachers. Beginning teachers are in great need of early assistance. Occasionally she may be able to give demonstrations in the classrooms of those in greatest need.

Nor can she assume a very extended program for the whole State during any one school year. Should she be successful in raising the standards of a single important subject, like reading, for instance, in a year's time, she will be carrying a heavy program.

Director of Secondary Education

The Director of Secondary Education is familiar with the major activities of state directors of secondary education in most of the states. These activities should prove to be of great value to interested superintendents and teachers in this state. The Director is willing to offer help and suggestions to those who seek his assistance in improving school conditions.

He desires to encourage better articulation between all school units from the elementary school to the university. Yet his particular work is confined largely to grades seven to fourteen. We feel that teachers should participate in forming principles of curriculum revision and in revising what they teach. Conventions of classroom teachers and principals' associations tend to promote desirable study groups, through which much good is accomplished. The office is a clearing house for current practices. Much attention is given by the Director to methods of teaching in all grades above the sixth.

In cooperation with other staff members and local school workers he would like to integrate the total school experience of the child and to further an inclusive guidance program. He is expected to check the courses of study of junior high school,

and junior college, and is alert to study the various changing problems of secondary education, resulting from changing social and economic conditions. Much thought is being given by staff members to objective measures for diagnosing the very many aspects of secondary education.

Director of Research and Service

The Director of Research and Service has charge of claims, accounts, budgets, annual statistical and financial reports, and other statistical data. Statistics are of little value unless they are dependable and unless they are properly interpreted. He is given enough clerical help so that he may devote a good portion of his time to educational research for which he has had special training. This makes it necessary for him to keep in close touch with all departments of the office and educational interests in general. Each supervisor or director is supposed to carry on a certain amount of departmental research and may, when necessary, call for the help of the Director of Research.

The main functions of the work of the Director are summarized as follows:

To keep accounts and to adjust budgets for the State Office.

To compile Utah school statistics.

To build a departmental library of school statistics.

To centralize the educational research being conducted in the state and provide a means whereby the findings of such studies can be used.

To cooperate with and encourage other individuals and agencies engaged in educational research and service.

To furnish helpful information to school people and others, and to assist supervisors, directors, school administrators and others in the solving of problems of value to education in Utah involving statistics and educational research.

Director of Vocational Education and Practical Arts

The Director of Vocational Education has general charge of what is commonly known as practical education. He is assisted in this large field by a supervisor in agriculture, a supervisor in home economics, and a supervisor in rehabilitation and library. His chief function is the planning and coordinating of a program of practical arts and

vocational training for students in the secondary schools of the State and for adults in evening schools. Other functions include: administration of the State plan for vocational education, representing the department in relation with the Office of Education, and planning the department budget.

The vocational division is working on a co-ordinated program for the improvement of home living, particularly in rural communities. This project includes home beautification, landscaping, more home conveniences, and better family relations. The girls in home making classes and the boys in agriculture and industrial classes will carry out the program through supervised home projects.

The State Director also serves in the capacity of Supervisor of Trades and Industrial Education. It is the function of the State supervisor of industrial education to plan, promote and supervise training for boys and girls and for adults for wage earning in the field of trades and industries. This service includes pre-vocational training, part-time schools or classes and commercial education, and implies the need of industrial surveys. In addition to direct inspection and supervision of classes, assistance is given administrators in the appraisal and supervision of this work in their respective school districts. Another service of this department consists of advising with industry on training problems and the training of foremen on matters of personnel and their instructional responsibilities.

Supervisor of Agricultural Education

The Supervisor of Agricultural Education has to do with cooperation with school administrators in the organization and supervision of programs in agriculture in secondary schools and also for adult farmers. He is charged with the responsibility both of supervision and inspection of instruction in the classroom and in the field in accordance with the standards set up in the program of the State Board for Vocational Education and approved by the Federal Bureau of Education. To this end he visits classes in agricultural departments, assists teachers, advises with school administrators, and cooperates with public and private agricultural agencies in the promotion of an efficient agricultural program. Other activities incident to the above program include the holding of district and state conferences with agricultural teachers, furnishing bibliographies of new agricultural material and organizing cooperative and leadership activities among rural youth. A part of each year is spent in the training of teachers in agriculture and

farm mechanics at the Utah State Agricultural College.

Supervisor of Home Economics Education

The home economics supervisor promotes, helps to organize, and supervises training chiefly for girls and women but also for boys and men for more effective homemaking. As in the other divisions, this training may be in the secondary schools or evening schools or classes. Such promotional and supervisory work necessitates constant study of social trends, economic problems and home needs, and involves building, planning, equipment, and budgetary requirements. It also necessitates close cooperation with parent-teacher associations and other groups of organized women.

Supervisor of Rehabilitation

The rehabilitation service assumes to survey the state for persons disabled so as to handicap them for earning a livelihood, to study their aptitudes and possibilities through training, and to provide such training as will make them capable of 'carrying on' in the economic world. To accomplish this end, cooperative relations are necessary with social, civic, and training institutions and with workers, organizations and employers. The schools may assist in this work through reporting cases of disability to the department and particularly through encouraging as many crippled and otherwise physically handicapped children as possible to continue through the senior high school, where they may receive pre-vocational advisement and guidance, and lay the foundation for profitable adult employment.

In our present organization, the state supervisor also represents the State Department in the promotion, inspection and supervision of public library service and libraries in the schools.(1)

The minutes of the state board of education for

March 23, 1935, read:

HEALTH AND PHYSICAL EDUCATION DEPARTMENT-

Superintendent Skidmore mentioned the great need of more attention being given in the elementary and high schools of the State to health, physical education and recreation, and recommended that Miss Bernice Moss be employed as director for this

(1) Ibid., pp. 36-40.

work...beginning July 1, 1935. On motion of member Thomas this recommendation was approved by unanimous vote.(1)

In a radio address, concerning the State Board of Education, delivered by the superintendent at Salt Lake City, January 16, 1939, he said:

As previously stated, it (the state board of education) appoints a professional staff of workers to assist the State Superintendent in school administration and supervision. A full-time teacher is engaged in looking after teacher personnel and certification. All teachers of the elementary and secondary schools must procure certification from the State Office before they can teach. There are nine directors engaged to assist the superintendent, one at the head of each division of educational work namely:

- Elementary Education
- Intermediate and Junior High
- Secondary Education
- School Finance and Research (handling public school funds)
- Health, Physical Education and Recreation
- Homemaking
- Vocational Agriculture
- Trades, Industries and Distributive Occupations, and Vocational Rehabilitation.(2)

Under date of April 2, 1940, the following communication was sent out from the state superintendent's office to all district superintendents in the state:

Realizing the need of creating closer relationships between the schools and the various agencies outside the schools which have to do with the guidance of youth and of planning adequate community facilities for libraries and other public gathering places for young people, the State Board of Education, at its regular meeting today, employed Reuben D. Law, Associate Professor of Elementary Education of the Brigham Young University and former superintendent of the school districts of Rich and Duchesne, as Director of School-Community Relations and Libraries, to begin service here as soon as it

(1) Minutes, op. cit., p. 96, March 23, 1935.

(2) Items, op. cit., p. 894.

can be arranged agreeably with the institution by whom he is now employed.

The whole state staff will be asked to continue their interest and effort in the various departments in the study of character education and the use of narcotics as has been manifested during the current year, but will now have the full-time assistance and leadership of Director Law in helping to coordinate 'the efforts of educational, civic, community and church organizations' in accordance with chapters 77 and 78 of the law passed in the legislature of 1939.

Mr. Law will also stimulate a greater interest in the organization and better use of public libraries for which service there is an apparent need. Board members, superintendents, and teachers will be glad, I am confident, to welcome Mr. Law into this new service and will cooperate with him to the fullest extent.(1)

Under date of April 4, 1940, there was also sent out from the office of the state superintendent the diagrammatic outline presented in figure 3. No explanation accompanied the diagram, but it appears reasonable to assume that it is intended to be a representation of the administrative organization of the state department as at present constituted.

This would seem to indicate that there have been some modifications within the organization of the state department since 1934, and that since 1933 there has been an attempt, in general theory at least, to organize the department as recommended by the survey staff in 1926. The effectiveness of the reorganization is a matter for personal opinion and one with which this study is not concerned. In some respects it follows the recommendations; in many others it does not. Perhaps it was the nearest organization that appeared possible of achievement under the circumstances.

(1) Ibid., 1940, p. 1201.

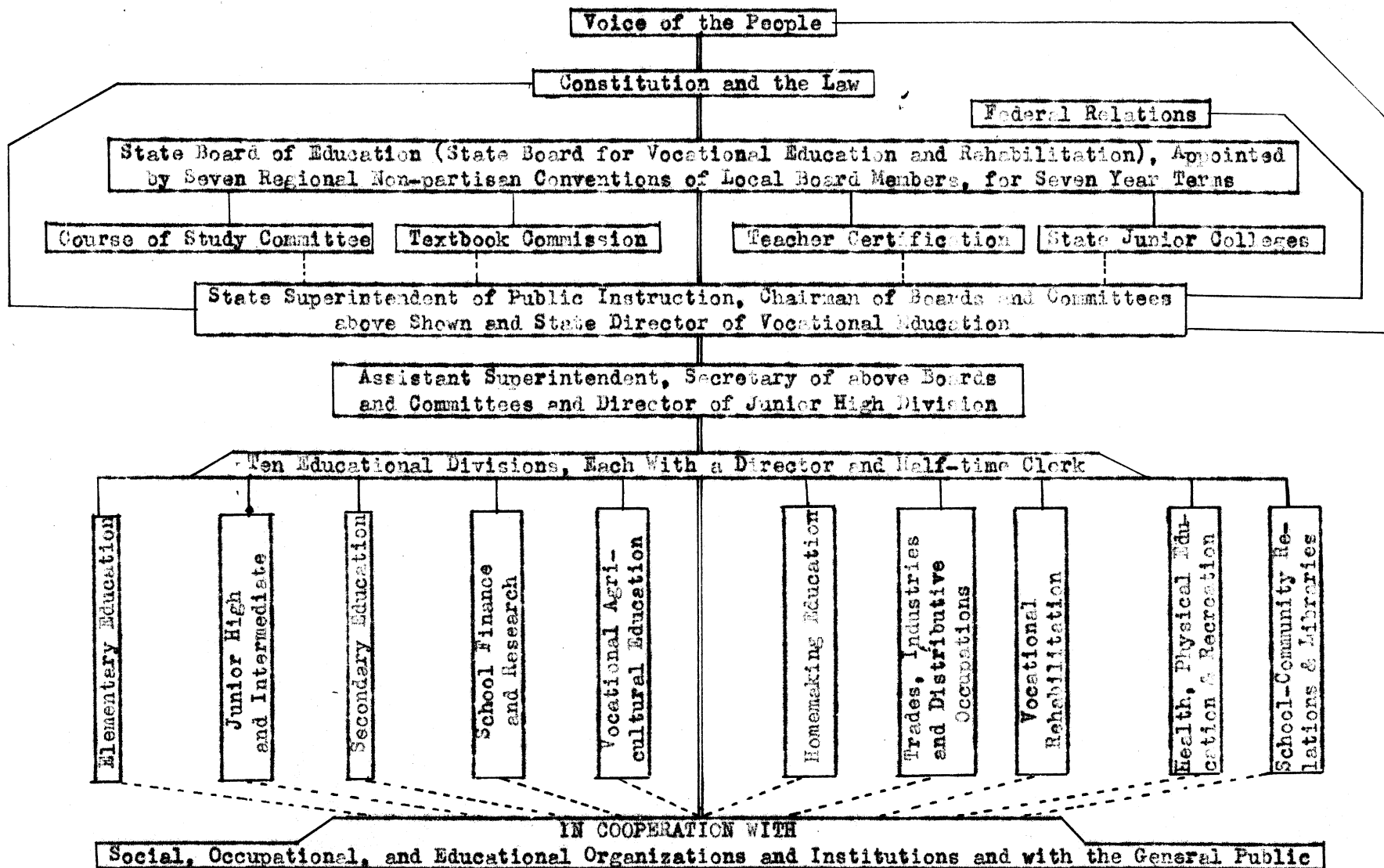


Figure 3. Organization of State Educational Administration in Utah, 1940. (1)

(1) Ibid., p. 1202.

A summation of the recommendations mentioned at the beginning of this chapter and the action taken upon them indicate: (1) That a general reorganization of the department, following in general the recommendations of the survey committee, has been effected. (2) That the assistant state superintendent has been given, in part at least, the assignment of coordination and directing the supervisory efforts of the department, as well as the clerical and stenographic work. In this respect, the recommendation appears to have been partially met. (3) Definition of duties and responsibilities, so far as the records show, are quite general and vague, and apparently may lend themselves to considerable personal interpretation. (4) A research and statistics department, later re-named department of school finance and research, was established and is functioning. (5) A teachers' service was established both for certification and placement of teachers. The certification division is functioning under the direction of a certification clerk, but the placement service appears to have disappeared after a few years. (6) The superintendent nominates the members of his staff, and upon this nomination by the superintendent the state board appoints the members of the state department. The attorney general ruled in 1934 that the state board has the power to appoint members of the state department only upon the recommendation of the state superintendent. (7) Concerning the salaries of the members of the state department, the survey staff said in 1926:

...the state of Utah, looking to the future of its educational system and considering the importance of the work assigned to members of the technical staff of the State department, will find it necessary

to raise salaries as it raises the general tone of the State department. While the salary of the State superintendent remains at the present level, salaries of the staff will in all probability remain as they are. Increases all along the line are desirable. (1)

The salaries of the various members of the department in 1926 were: (2)

State superintendent	\$4,000
Assistant state superintendent	3,500
Supervisors	
High school inspector & director of vocational education	3,600
Intermediate	3,000
Primary	2,700
Civilian rehabilitation	3,000
Trades and industrial education	3,000
Agricultural education	3,200
Home economics	2,750
Statistician	2,100

The most recent figures available to the writer show that the various directors are receiving salaries as follows:

State superintendent	\$4,000
Assistant superintendent	3,600
Supervisors	
Elementary	2,400
Secondary	3,420
Health, physical education and recreation	2,400
Trades, industries and distributive occupations	3,350
Home economics	2,160
Agricultural education	2,880
Director of rehabilitation	
Director of school finance and research	2,820

It would appear from a comparison of the figures for the two periods that nothing of any consequence has been accomplished toward carrying out the recommendation concerning salaries.

(1) Survey, op. cit., p. 33.

(2) Ibid., p. 29.

CHAPTER IV
FINANCIAL EQUALIZATION

The report of the survey staff in 1926 showed that in 1925 (the latest figures then available) Utah derived her funds for public elementary and high schools from federal, state, and district funds as follows: from state funds 35.03 per cent; from federal funds 9.47 per cent, and from district funds 54.5 per cent. The federal funds consisted of Smith-Hughes subventions and the receipts from the federal forest reserve. The state funds consisted of the state high school fund which was raised by an assessment of 0.2 of a mill upon all the tangible property in the state, and a state district school fund amounting supposedly to \$25.00 per child on the school census of each preceding year. This district school fund was made up of the money received from the investment of the perpetual school fund, the proceeds of escheats and forfeitures, unclaimed fees or dividends of corporations; the proceeds of the sale of timber, minerals or other property from school or state lands other than those granted for specific purposes, 5 per cent of the net proceeds of the sale of public lands lying within the state, grants from federal royalty funds, and the proceeds of a general state levy sufficient, when added to any other funds available for state school purposes to make the \$25.00 per child on the census for the preceding year. Speaking of the state district school fund, the survey staff said:

It is the evident intention of the constitution to provide \$25 for each child of school age, but owing to a number of defects the fund has never amounted to this. The law is defective, first of all, in making the basis of the State district school fund the previous year's census. Thus the school census, in 1925, amounted to 139,457 children, but the State district school fund for this year was provided on the basis of the preceding year's census, namely, 137,650 children. It was necessary, therefore,

to apportion the State district school fund in 1925 among 1,807 children more than the number for whom the fund had been provided. It is asserted, moreover, that the State board of equalization, in its eagerness to keep down the State tax rates, frequently over-estimates the amount which will come from the income of the State permanent school fund and from tax sales redemption proceeds. The power of determining and fixing the rate to be levied for the State district school fund should be placed in the hands of the State board of education. The State board of education should be empowered further to estimate the school census for the year for which the district fund is to be provided, rather than depend upon the census of the previous year. Such an estimate could be easily arrived at by a study of trends in population. The law, in making school census the basis of distribution of the district tax, excludes children attending public kindergartens, although all school districts of a population of 2,000 and upward are required by law to maintain one or more kindergartens open to children between the ages of 4 and 6 years.

In the year 1924-25 the State school land interest and rental fund provided \$2.64 per school census child and the State district school fund \$21.61, making a total from these two funds of \$24.25. It will be seen that this amounted to 75 cents less per child than the amount contemplated in the constitutional provision.(1)

Concerning the high school fund, the staff said in part:

That State high-school fund, designed to aid districts in supporting and maintaining high schools, is derived from a State 0.2 mill tax. In 1925 the State high-school fund amounted \$123,700.76 and provided a quota of \$5.03 for each high-school pupil attending 20 weeks.

The law requires that all high schools claiming any benefit from the State high-school fund must be inspected at least once a year. The salaries and traveling expenses of the State high-school inspector are paid out of the State high-school fund. The remainder of the fund is apportioned among the school districts upon the basis of the number of pupils who attend high school for a period of at least 20 weeks. The fund is apportioned in two allotments. In January the State board of education apportions 70 per cent of the high-school fund among the districts upon the basis of the estimated number of students who will attend high school

(1) Ibid., p. 463.

during a period of 20 weeks. In June the board apportioned the remainder of the high-school fund among the districts upon the basis of the number of high-school pupils who have actually attended high school for at least 20 weeks.(1)

Inasmuch as the state district fund and the land interest and rental fund were the chief sources of revenue from the state to the districts, the survey staff concerned itself chiefly with a consideration of the methods of distribution of these funds. Quoting from the report, we find:

As already implied the land interest and rental fund and the State district school fund are apportioned among the districts by the same method and on the same basis; namely, the number of pupils 6 to 18 years old. Practical considerations have made it necessary to adopt a method somewhat different from that provided in the laws. The following account was furnished by the State superintendent of public instruction:

Not all the proceeds of the State district school fund are apportioned among the districts, for certain general costs of the school system are paid from this fund, the most important of which are as follows: (1) The actual and necessary expenses of members of the State textbook commission; (2) the expenses of members of the State board of education, who receive \$4 per day for the time actually spent in the performance of duties and are reimbursed for traveling expenses incurred in attending board meetings; (3) clerical assistance for the State board of education to the extent of \$250 per year; (4) one-third of the salary of the supervisor of vocational rehabilitation, and the director of public libraries; (5) the salaries of the supervisors of grammar grades and junior high schools; (6) the cost of blank forms, school registers, and summaries of the opinions and rulings of the State superintendent; (7) the salary and expenses of the superintendent of public instruction; (8) the traveling expenses of the deputy of the State superintendent when attending meetings as the superintendent's representative; (9) the salaries of the staff

(1) Ibid., p. 464

of the State department of education; (10) the compensation and expenses of the architect or expert employed by the State to examine plans and specifications of school buildings...

The law sets up certain conditions which must be met in order to entitle the district to its quota of the State district fund as follows: (1) The maintenance of the schools required by law during the preceding year for a period of at least 20 weeks; (2) the submission to the State superintendent of all reports required by law. No teachers, supervisors, nor superintendents shall receive compensation from any public funds, who, at the time of employment, are not the holders of certificates issued in accordance with the regulations to the State board of education...

The first defect in Utah's system of apportioning State aid is that aid is given to district for educating children who are not in school at all, and who are consequently not costing the district anything. This is the inevitable result of apportioning moneys upon the basis of school census. The school census represents the children who, according to law, ought to be in school; but it is the average daily attendance which represents the number of children actually in school. According to official reports, 24,609 children, included in the school census in the year 1925, were not in average daily attendance...Apportioning moneys on the basis of school census puts a premium on nonattendance. It is evident that every quota of State aid provided for a child included in the school census but not attending school will swell the fund for paying the cost of those who are in attendance...

The second defect in Utah's present methods of apportioning State aid is that they fail to take into consideration the wide variations in the ability of districts to provide school revenues...

The third defect in Utah's methods of apportioning State aid is that they fail to take into consideration the differences in the efforts districts make to provide school revenues as represented by their representative tax rates. If State aid is to equalize school burdens it must be distributed in such a manner as to provide the greater assistance for the districts making the greater effort. In other words, State aid should be proportioned inversely to the ability and directly to the effort of the district...

The last defect of Utah's system of State aid, which the present section will consider, is one which

affects not only the State land interest and rental fund and the State district-school fund, but the State high-school fund, vocational aid, and the funds of teachers' retirement associations. In the case of each of these funds the law provides that if the income is not sufficient to meet all claims the fund shall be prorated among the districts or other claimants. Under such policies it is impossible for any district to know in advance the exact amount of aid upon which it can depend.(1)

The above quotations indicate briefly the methods of financing the public schools of Utah in 1926 and the criticisms which the survey staff made of those methods. One item, among others, concerning the district taxes has not been considered. This one is of sufficient importance to merit a brief discussion. In 1923 the legislature placed certain restrictions upon the various district boards of education in regard to tax levies. These restrictions provided limits above which the boards might not go for operating purposes without the consent of the county commissioners of the county in which the district is located, as well as the state tax commission and the state board of education. Table 1 shows the limits placed on both city and county districts on the basis of assessed valuation per census child. The very nature of the restrictions allows the greater burden on those who are least able to bear it.

(1) Ibid., p. 469

Table 1. Utah maximum district tax rates as fixed by act of 1923.(1)

I. City districts	
Basis: Valuation per child	Maximum Rate: mills
Less than \$3,000	12
\$3,000 to \$4,000	11.5
\$4,000 to \$5,000	10
More than \$5,000	9
II. County districts	
Basis: Valuation per child	Maximum Rate: mills
Less than \$2,000	12
\$2,000 to \$2,500	11
\$2,500 to \$3,000	10
\$3,000 to \$4,000	8.5
\$4,000 to \$5,000	7.5
More than \$5,000	7

As a remedy for inequalities which existed in 1926, the survey staff outlined three plans for equalization, with the recommendation that one of them be put into effect. We shall now consider these plans and see what has been done toward putting one of them into effect.

Plan 1: Place upon the State the responsibility of providing all funds necessary to meet all costs of the minimum program.

This plan will far more nearly approach complete equalization than any one of the three plans and is considered the most desirable of all plans. Under it the State would provide all moneys required for support and maintenance, thus leaving to the districts the responsibility of providing funds for capital outlay and debt service and any other expenditure not included under support and maintenance.(2)

(1) Ibid., p. 452
 (2) Ibid., p. 502

Plan 2: Existing State funds shall continue to be apportioned to all districts in the State by the methods and upon the bases at present provided by law.

In addition to existing funds there shall be created a State equalization fund.

The richest district in the State, as measured on the basis of equalized or true valuation per child, shall receive no aid from the State equalization fund. The proportion of the cost of the minimum program which the richest district cannot pay from grants to which it is entitled from existing State funds shall be provided by the levying of a district tax. (Suggested minimum expenditure equals \$70 per child in A. D. A.)

The rate which this richest district must levy shall be the rate which all districts shall be required to levy in order to share in the State equalization fund. This rate shall be known as the district minimum tax.

Any district which from the proceeds of a tax of this rate and from the proceeds of existing State funds derives sufficient moneys to meet the costs of its minimum program shall receive no aid from the State equalization fund.

All other districts shall receive from the State equalization fund an amount which together with the proceeds of other State funds to which the district is entitled and the proceeds of the compulsory minimum district tax shall be sufficient to pay the total cost of said district's minimum program.

Any district which wishes, may levy a tax greater than the compulsory minimum tax and may support a program in excess of the minimum program but shall receive no State aid for such excess.(1)

Plan 3: In case neither of the above plans can be adopted, provide, by constitutional amendments and law, that the combined income of the land interest and rental fund and the state district school fund shall be apportioned among all districts as follows: One-half on the basis of average daily attendance and one-half as an equalization fund. Said equalization fund to be apportioned by methods embodying the principles of the equalization fund, as set forth under plan 2.

This plan, although much inferior to either Plan 1 or Plan 2, is offered because it will be a great improvement over existing methods. The present method is the most unscientific and unfair method in existence.(2)

Since the survey of 1926, there has been no change in the status of the state high school fund. The state district school fund (\$25 fund)

(1) Ibid., p. 502

(2) Ibid., p. 503

has been modified slightly in that the revenue from the state lands interest and rentals fund has been diverted from the district school fund and the provision has been made that when levying the general tax to raise the district school fund that the state tax commission shall take into consideration and make provision for estimated delinquencies. This was done in an effort to raise the fund to the full amount intended by the constitutional amendment which created it. It is still apportioned as in 1926, and in the minds of the survey committee it would probably be now as then "the most unscientific and unfair method in existence."

In 1930 the constitution was amended to provide, in addition to the state high school fund and the state district school fund, an equalization fund amounting to \$5 per census child, based on the preceding year's census and to be apportioned as the legislature might provide. This was evidently an attempt to put into effect Plan 2 as outlined by the survey staff. The provisions made by the legislature for the apportionment of this fund are also patterned after the recommendations of the survey staff. In an attempt to set up the equalization machinery the legislature has made the following provisions in the laws of the state:

Minimum Educational Program

The minimum uniform educational program to be provided in the various districts of the state shall include a school term of nine months; the employment of legally certificated teachers; the transportation to and from school of all pupils living more than two and one-half miles from school, or provision toward such transportation of an amount equal to the allowance hereinafter made for the apportionment of the equalization fund; such general supervision to assist the superintendent and such supervising principals as the state board of education may approve; provided, that two or more districts may combine in the employment of supervisors; the expenditure for educational supplies and equipment in such

proportionate amounts as will provide for efficient instruction, the proportionate amount to be expended for such purposes to be determined by the state board of education from studies made annually under its direction; provisions for health inspection and instruction; and such other factors as may be prescribed by law.(1)

**Id. Compliance with, a Condition of
Participating in Equalization Fund.**

The state board of education shall determine whether the above requirements are complied with and shall have full power to require such reports as in its judgment may be deemed necessary, and shall have power to determine whether the quality of education offered in each school district justifies support from the equalization fund. Districts not approved by the state board of education in accordance with the provisions hereof shall not participate in the equalization fund. For school years when less than \$5 per child of school age shall be available in the state school equalization fund the state board of education shall have discretion to allow participation by any district maintaining a program satisfactory to the state board taking into consideration local conditions and tax levies in such districts.(2)

Tax for School Equalization Purposes.

The state tax commission shall levy annually a state tax for district school equalization purposes at such rate as will raise an amount which when added to any other state funds made available for district school equalization purposes equals as nearly as may be \$1 for the school year 1932-33, \$2 for the school year 1933-34, \$3 for the school year 1934-35, \$4 for the school year 1935-36, and \$5 for each school year thereafter for each person of school age in the state as shown by the last preceding school census. The levying and collecting of said tax shall be performed in the same manner and at the same time as other state taxes are levied and collected, and shall be apportioned to the several school districts as hereinafter provided.(3)

Apportionment of Revenue in Equalization Fund.

The apportionment of any revenue provided by the legislature for the equalization fund to the school districts of the state shall be such that when added to the amount apportioned

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- (1) School Laws, op. cit., ch. 7, Sec. 24
 - (2) Ibid., Sec. 25
 - (3) Ibid., Sec. 26

to each district from the state district school fund, the land, interest and rental fund, the state high school fund and the money raised by a uniform local tax in each district of 5.5 mills on the dollar of assessed valuation of the district as to be sufficient to pay the cost of the above minimum program. Such cost is hereby declared to be approximately \$1,655 per school unit and there shall be apportioned to each school district, when and if funds are provided by the legislature, an amount which when added to revenues from all other sources will equal approximately \$1,655 per school unit as nearly as may be. (In 1937 this section was amended to provide that no district might receive more from this fund than it received in 1936-37 if its assessed valuation equaled or exceeded \$4,000 per census child. The legislature of 1939 repealed this limitation.)

The number of school units shall be determined as follows: one school unit shall be allowed for each one room school approved by the state board of education and two school units shall be allowed for each two room school so approved.

One school unit shall be allowed for each thirty-six weighted pupils or major fraction thereof, as determined by the following weightings:

(1) The number of pupils in average daily attendance in grades 1 to 8 inclusive who are not transported to school and who are not enrolled in the approved one and two teacher schools shall be counted as weighted pupils; provided, that in school districts that shorten the school course to an approved eleven-year course the state board of education shall in its discretion approve a plan including grades 1 to 7 in this group.

(2) The number of pupils in average daily attendance in grades 1 to 8 inclusive who are transported two and one-half miles or more to school over routes approved by the state board of education shall be multiplied by 1.47 and the product shall be considered the number of weighted pupils; provided, that in districts that have shortened the school course to an approved eleven-year course the state board of education shall in its discretion approve a plan including grades 1 to 7 in this group.

(3) The number of pupils in average daily attendance in grades 9 to 12 inclusive who are not transported to and from school shall be multiplied by 2.17 and the product shall be considered the number of weighted pupils; provided, that in districts that have an approved eleven-year course the state board of education shall in its discretion approve a plan including grades 8 to 11 in this group.

(4) The number of pupils in average daily attendance in grades 9 to 12 inclusive who are transported two and one-half miles or more over routes approved by the state board of education shall be multiplied by 2.64 and the product shall be considered the number of weighted pupils; provided, that in districts that have an approved eleven-year course the state board of education shall in its discretion approve a plan including grades 8 to 11 in this group.

The apportionment herein provided for shall be based on reports sworn to by the superintendent and the president of the board of education of each school district and filed with the state board of education on or before June 15 of each year. Districts not reporting by that date cannot participate in the apportionment.

The state board of education shall, with the approval of the state tax commission, prescribe such uniform accounting and record forms as are necessary for the preparation of such reports.(1)

Schools Costing in Excess of Program Permitted.

Local school districts may maintain schools costing in excess of the minimum program, but such excess cost shall not be included in determining the apportionment of the equalization fund.(2)

The minutes of the state board of education indicate that prior to 1936 it was largely a matter of policy on the part of that body that the various districts should participate in the equalization fund if they were not excluded by the minimum tax provision within their own districts. Reports were asked for from the districts, but there is no specific evidence that standards were established for participation other than provided in the legislation quoted. On April 20, 1936 the state board of education adopted the following standards for participation in the equalization fund:

1. The schools shall remain open a minimum of nine months. Nine months shall be construed to mean that the schools shall be open to the children at least 172 days each year. In case a district cannot maintain schools 172 days due to a condition over which the local board of education has no control, the local board of education may file a written statement of cause with the secretary of the State Board of Education prior to May 1 of the current year. The State Board of Education reserves the right to determine whether the cause is justifiable.

2. All teachers employed shall be legally certificated.

(1) Ibid., Sec. 27.

(2) Ibid., Sec. 29.

3. (a) Transportation shall be provided to and from school for all pupils living more than two and one-half miles from school or reasonable provisions toward such transportation shall be provided. The State Board of Education shall determine what constitutes a reasonable allowance.

(b) Definition of $2\frac{1}{2}$ miles. - Two and one-half miles shall be considered to be two and one-half miles from the domicile of the child to the nearest school in the district that has the appropriate grade for the child in the school measured via the closest public highway.

No student shall be considered as transported two and one-half miles under the provision of the equalization law unless he shall live more than two and one-half miles from school as provided in the above definition of two and one-half miles regardless of the excess distance he rides in a school bus.

4. All one and two room schools shall be approved by the State Board of Education before qualifying under the equalization law as provided under 75-7-27 of the Revised Statutes of Utah. The local boards of education shall submit a list of such schools which they wish approved for the following year to the secretary of the State Board of Education on or before April 1 of each year.

5. Adequate supervision shall be provided as specified under 75-7-25 of the Revised Statutes of Utah 1933. The State Board of Education shall determine what constitutes adequate supervision. The superintendent of each district shall submit the program of supervision to be employed in his district during the following school year to the secretary of the State Board of Education on or before April 1 of each year for approval.

6. An expenditure shall be made each year of at least one dollar per child enrolled in grades one to eight inclusive for educational supplies. Provided, that upon petition of the superintendent of a district the State Board of Education may permit a lower expenditure for the district if such is justifiable.

7. An expenditure over a two-year period averaging at least seventy-five cents per child per year in grades one to eight inclusive shall be made for textbooks. Provided that upon petition of the superintendent of a district, the State Board of Education may permit a lower expenditure for the district if such is justifiable.

8. An expenditure shall be made each year of at least twenty-five cents per child enrolled in grades one to twelve inclusive for library books and magazines. Provided that upon petition of the superintendent of a district the State Board of Education may permit a lower expenditure for the district if such is justifiable.

9. Every pupil in the public school from the first to twelfth grades inclusive shall have instruction in health and hygiene for a period of fifteen minutes daily or its equivalent, the program to be approved by the State Department. The local board of education shall provide the following for every school in the district: (1) A clean and sanitary toilet, (2) washing facilities for the pupils - soap, towels, water, washbasin, (3) Sanitary drinking water, (4) A first aid kit. It is further recommended that each district board work in conjunction with the State Board of Public Welfare and the County Commissioners in securing nurse service.(1)

As stated previously the legislation was undoubtedly fashioned after Plan 2 of the survey staff as previously outlined. There is no definite indication as to whether or not it was the intention of the legislature to follow the plan closely. If so, it went astray in several respects. Legislative action fixed the cost of the minimum program instead of providing that the state board of education should determine that from year to year. The \$1,655 set as the minimum cost per school unit of 36 pupils in A. D. A. provides approximately \$46 per child in A. D. A. instead of the \$70 recommended by the survey staff. The figure of \$70 determined by the survey staff was approximately \$1 above the average expenditure of all districts of the state in 1926. The expenditures for 1938-1939 ranged, for operating purposes, from \$54.52 in Garfield district to \$118.07 in South Summit district with an average expenditure throughout the state of \$76.33 per child in average daily attendance. This would indicate an inadequacy on the part of the equalization plan. But a further inadequacy is evident when we consider the money actually available for distribution compared with the requirements for meeting the minimum program. The official figures released by the state superintendent of public instruction at the close of the 1938-1939 school year showed that a fund of \$1,820,863.43 would have been required as an

(1) Items, op. cit., 1936, pp. 460, 461

equalization fund to meet the requirements as set up by the legislature. There was actually available for distribution among the 34 districts which participated in the fund an amount of \$722,315. This represents 39 per cent of the amount that should have been available to carry out the plan as provided by the legislature. Roughly speaking, we might conclude that the plan adopted met the financial requirements recommended by the survey staff to the extent of 65 per cent and that the actual functioning of the plan meets the requirements established by the legislature to the extent of 39 per cent. Thirty-nine per cent of the 65 per cent intended would give 25 per cent, which might be interpreted to mean the per cent of adequacy of the equalization fund in terms of the recommendations of the survey committee so far as financial aid to the districts is concerned.

The legislature of 1937 changed the maximum levy permissible within county districts for school purposes so that any district whose assessed valuation per census child exceeds \$2,500 may levy a tax of 10 mills for operating purposes instead of 8.5, 8, and 7 mills as indicated in the last three figures of table 1.

In 1933 a 2 per cent sales tax was provided for all retail sales within the state. The law further provided that after the first two million dollars derived from this tax had been allotted to state welfare that the state district school fund should receive an amount sufficient that, when added to the levy for that purpose, the state lands interest and rental fund, and any other moneys available for the district school fund, should make this fund equal the full \$25 intended by the constitution.

This action was repealed by the legislature of 1939, and it was then that the state tax commission was authorized and ordered to consider possible delinquencies when making the levy for the district school fund. The lands interest and rental fund was also diverted to the uniform school fund as mentioned above. This diversion will receive consideration in connection with the discussion of the uniform school fund which follows.

After it became evident that the equalization fund had failed in its attempt to satisfactorily equalize school opportunity throughout the state, another move was inaugurated to provide additional funds for that purpose. The 1937 session of the legislature passed two resolutions proposing to amend sections 3 and 7 of article X of the state constitution. The first of these proposals provided for the establishment of a fund to be known as the uniform school fund and provided that certain moneys be placed in this fund. It also provided that the legislature might provide additional moneys for this fund. Amendment 2 provided for the diversion of the interest on the public school fund from the district school fund to the uniform fund. Amendment 2 failed of passage when presented to the voters of the state on November 6, 1938, but Amendment 1 passed and became a part of the constitution to read as follows:

Sec. 3. (Proceeds of lands and other property--
per cent of proceeds--perpetual fund.)

The proceeds of the sales of all lands that have been or may hereafter be granted by the United States to this state, for the support of the common schools, and five per centum of the net proceeds of the sales of United States public lands lying within the state and sold by the United States subsequent to the admission of this state into the Union, shall be and remain a permanent fund, to be called the State School Fund,

The interest of which only, shall be expended for the support of the common schools. The interest of the State School Fund, the proceeds of all property that may accrue to the state by escheat or forfeiture, all unclaimed shares and dividends of any corporation incorporated under the laws of this state, the proceeds of the sales of timber, and the proceeds of the sale or other disposition of minerals or other property from school and state lands, other than those granted for specific purposes, shall with such other revenues as the Legislature may from time to time allot thereto, constitute a fund to be known as the Uniform School Fund, which Uniform School Fund shall be maintained and used for the support of the common and public schools of the state and apportioned in such manner as the Legislature shall provide. The provisions of Section 7, Article XIII of this Constitution shall be construed as a limitation on the rate of taxation on tangible property for district school purposes and not on the amount of funds available therefor and, further, no moneys allocated to the Uniform School Fund shall be considered in fixing the rates of taxation specified in Section 7 of Article XIII.(1)

Many of the educators of the state hailed the passage of this amendment as a major victory. A sample of the comment is quoted:

The most significant achievement of the Utah Education Association since the adoption of a State-wide Teacher Retirement system was the adoption of Constitutional Amendment One in the general election held November 8, 1938.

Under the leadership of U. E. A. President J. R. Mahoney, Executive Secretary B. A. Fowler and association committees, bills were prepared and presented to the Legislature in 1937. These bills were sponsored through the House of Representatives by Hilton D. Taylor and then through the Senate by J. E. Thornton. After the signature of Governor Henry H. Blood these measures were presented to the people of the state in the form of constitutional amendments.

Officers and members of the U. E. A. from all parts of the State rallied support from numerous organizations which contributed much to our ultimate victory...

The adoption of constitutional amendment one removed the constitutional restrictions on public school revenue and gives the Legislature the controlling power intended by the founders of our state constitution.

Failure of constitutional amendment two will not materially affect the intent of our program. In fact it is quite possible that little if any loss will result from defeat of this amendment.(2)

(1) Constitution, op. cit., Sec. 3.

(2) Utah Educational Review. Vol. XXXII, Number 3, p. 121. Dec. 15, 1938.

The Legislature of 1939 put into effect the constitutional amendment by enacting Chapter 81 of the Laws of Utah. Within this legislation is contained the provision of the Constitutional amendment which failed to pass in the popular election.

I. Uniform School Fund

There is created a fund to be known as the "Uniform School Fund," which fund shall consist of moneys received in the state treasury from: (a) The interest on the state school fund. (b) Escheats and forfeitures and the sale or other disposition of all property that may accrue to the state by escheat or forfeiture. (c) All unclaimed shares or the sale or other disposition thereof and unclaimed dividends of any corporation incorporated under the laws of this state. (d) The sales or other disposition of timber and the sales or other disposition of minerals or other property from school and state lands not granted for specific purposes. (e) The United States under the provisions of the act of congress of February 25, 1920, known as "The Leasing Act," which are allocated to said fund. (f) The rentals derived from the leasing or renting of school lands and other state lands. (g) All other constitutional or legislative allocations to said fund not herein mentioned.

2. Apportionment and Distribution.

It shall be the duty of the state auditor to notify the superintendent of public instruction in writing, as and when requested by him, of the actual amount of money available in the uniform school fund for each of the three school divisions herein named. The superintendent of public instruction shall apportion and distribute said fund among the several school districts, the junior colleges, the University of Utah and the Utah State Agricultural College under the provisions hereof at such times during each year as will advantageously meet the needs of the school districts and educational institutions.

3. Id.

All that portion of said fund comprising the interest on the state school fund; all moneys received from leases or rentals of lands granted for the support of the common schools and all sums paid for fees including grazing fees and forfeitures and penalties received in connection therewith; all moneys received from leases or rentals of land acquired by the state through foreclosure of mortgages securing common school funds or through deeds from mortgagors or owners of such lands and all sums paid for fees including grazing fees received from state lands and all forfeitures and penalties received in connection therewith,

and all moneys received from the sale of timber from common school lands, shall be apportioned and distributed by the superintendent of public instruction to the several school districts and shall be used solely for the support of the common schools.

All that portion of said fund comprising all moneys received from sales, royalties, bonuses, leases and rentals of minerals of all kinds in all school lands and all other lands of the state including lands acquired by or through the investment or resulting from the investment of common school funds but not including the beds of navigable lakes and streams, lands granted by the United States for specific purposes, the minerals in lands acquired through tax sales and minerals in the waters of navigable lakes and streams, all sums paid for fees and all forfeitures and penalties received in connection therewith; all moneys received from escheats and forfeitures; all moneys received from the sale or other disposition of property accruing to the state by escheat or forfeiture; all moneys received from unclaimed shares and unclaimed dividends of any Utah corporation; all moneys received from the sale or other disposition of timber from state lands other than common school lands and lands granted by the United States for specific purposes; and all moneys received from other allocations not allotted to other purposes and not herein mentioned, shall be apportioned and distributed to the several school districts and shall be used for the support of the district schools.

All that portion of said fund comprising all sums paid for fees, including grazing fees, all forfeitures and all penalties received in connection therewith; all moneys received from the United States under the provisions of the act of congress of February 25, 1920, known as, "The Leasing Act," which are allocated to said fund and all moneys received from sales royalties, bonuses, leases and rentals of minerals of all kinds in lands acquired through tax sales to the counties, all sums paid for fees, all forfeitures and penalties received in connection therewith, shall be apportioned and distributed as follows: Fifty per cent thereof to the several school districts as hereinafter provided and fifty per cent thereof to the junior colleges, the University of Utah and the Utah State Agricultural College as hereinafter provided.

4. Id. Basis for Distribution--Use of Funds.

The portion of said fund allotted herein to the school districts shall be apportioned and distributed by the superintendent of public instruction and used in the manner following:

Not more than five thousand dollars thereof shall be expended annually by the state board of education to defray expenses in investigating special or unequal conditions existing in the several school districts not cared for by all

available funds, and devising plans to adjust them so that advantages as equal as possible may exist in all districts and all district boards of education shall render to the state board of education such aid as it may from time to time require.

Fifteen per cent of the amount remaining after deducting the said five thousand dollars but not more than seventy-five thousand dollars annually shall be apportioned and distributed to such districts in such amounts and during such times in each year as the state board of education shall direct for the purpose of equalizing advantages and improving educational practices not cared for by all other available funds according to the plans adopted.

The remaining portion of said fund for school districts and the unused balances from the appropriations in the two preceding paragraphs mentioned shall be apportioned and distributed annually in such manner as will, when added to the revenues available from the state district school fund, the high school fund, the equalization fund, and a local levy of ten mills on the assessed valuation of tangible property in each school district for the current fiscal year, give each district eighty-six dollars per student in average daily attendance during the preceding school years. If distribution is made before total current funds in any one year are available the totals of revenue distributed from the state district school fund, the high school fund and the equalization fund during the preceding school year shall be used. In those years when the revenues available in the uniform school fund for the school districts are not sufficient to allow each district eighty-six dollars per student in average daily attendance, each district shall share in the total funds available in the uniform school fund in the proportion that the total amount of the said funds available bear to the total amount necessary to allow each district the said sum of eighty-six dollars per student in average daily attendance; provided, that no district shall receive less than one dollar per student in average daily attendance when the funds available in the uniform school fund for the district schools shall equal five hundred thousand dollars; and in the event the amount available in said fund is less than five hundred thousand dollars, the minimum basis for distribution for any district shall be that percentage of one dollar per student in average daily attendance that the amount so available bears to five hundred thousand dollars and in the event the amount available in said fund is in excess of five hundred thousand dollars the minimum basis for distribution for any district shall be that proportional increase of one dollar per student in average daily attendance that the amount available in said fund bears to five hundred thousand dollars. To those districts that would otherwise receive less than one and one-half times the minimum amount per student in average daily attendance the portions to be distributed to them shall be graduated

from the minimum to one and one-half times the minimum on the basis of their respective needs measured by the amount of money available to them from the state district school fund, the high school fund, the equalization fund and a local levy of ten mills on the assessed valuation of tangible property in such districts for the current fiscal year.

When the amount in the uniform school fund for school districts, less the used portions of the five thousand dollar and fifteen per cent appropriations herein made, together with the total revenues available in the state district school fund, the high school fund, the equalization fund and a local levy of ten mills on the assessed valuation of tangible property, shall exceed an amount sufficient to provide eighty-six dollars per student in average daily attendance such excess amount shall be distributed to the school districts according to the average daily attendance of pupils in each district during the preceding school year.

5. Id. Junior Colleges, University and Agricultural Colleges.

The portion of said fund to which each of the junior colleges, the university of Utah and the Utah state agricultural college may be entitled shall be that proportion of the total amount available which the average number of full-time students enrolled during the preceding school year in each institution bears to the total enrollment of all said institutions, except the enrollment of the university of Utah and the Utah state agricultural college shall first be multiplied by 1.25 and the product shall constitute the enrollment of the University of Utah and the Utah state agricultural college for the purposes of this apportionment....(1)

The operation of this law as it applies to the districts of the state and a report of its functioning during the first year of its existence was reviewed briefly by the state director of finance and statistics in a radio broadcast from Salt Lake City on March 4, 1940:

....The money for this fund is derived from several miscellaneous sources. The rentals received from school lands given to the state schools at the time Utah was admitted to the Union in 1896, unclaimed dividends, escheats, and mineral royalties are illustrations of these sources. During the first year, which ended December 31, \$215,000 was available for the district schools from this fund. This money is also apportioned in such a manner as to further help the poorer districts. The law enacted by the last Legislature provides that eighty-five per cent of the money in this fund be apportioned according to

a definite statutory formula. The other fifteen per cent is to be apportioned by the State Board of Education. The formula setting forth the manner of apportioning the eighty-five per cent is designed to provide, when added to other state and local funds, \$86 per child in each district. Until sufficient money is available, this fund is to be prorated to the districts so as to reach as nearly as possible the \$86 per child in each district. Each district receives some money from this fund, but the amount districts, with a high assessed valuation per child, receive is very little compared with the poorer districts.

While the fifteen per cent of the Uniform School Fund, the amount to be apportioned by the State Board of Education, is comparatively small, amounting to only \$32,000 this year, considerable effort and study have been given in devising a basis for the distribution. Feeling it would be well to secure a cross section of sentiment from all sections of the State, regarding a basis of distribution, representatives were asked to assemble at the office of the State Superintendent to discuss this problem. This group was composed of superintendents, teachers, and college people. In a series of regional meetings helpful suggestions were also received from local school board members. After receiving these suggestions on procedure, field-research men were employed to gather statistical information from each of the school districts. This material dealt primarily with the instructional costs in the several districts. After carefully studying the findings of this survey, a basis was derived for apportioning the 15 per cent.(1)

One more comment from this address is included because of its bearing on the total financial problem:

....it is evident that the State has assumed considerable responsibility in financing the public elementary and high schools. Altogether, approximately \$4,500,000 is now being distributed annually through the State School Office to help local districts. This amounts to about forty per cent of the total school cost.

Thus it is obvious the State is interested in seeing that every child, regardless of where he lives, has an opportunity to participate in a balanced educational program.(2)

Consideration of the constitutional amendment which was passed in 1938 seems to indicate that the way has been cleared for the legislature to provide reasonably complete equalization among the districts of

(1) Items, op.cit., 1940. p. 1182

(2) Ibid.

the state, if it is able to supply sufficient funds to do so. Study of the law which sets the present provisions for administering the Uniform School Fund indicates that the legislature has given serious consideration to the matter and has taken preliminary steps toward achieving the expressed desired result. Complete achievement will depend upon the attitude and ability of the legislature to further finance the program.

CONCLUSIONS

On the basis of the study made, several things appear evident as related to the problems involved. One of these is that in several instances changes have been made in line with the recommendations made.

(1) It appears that the recommendations have been realized in fullest measure as they applied to the State department. This, perhaps, has been due to the fact that this department has been more amenable to change without the necessity of constitutional amendments or legislative action.

(2) Where these two factors have entered, it appears safe to say that the most significant change has been made in the field of financial equalization. While three plans were proposed, the survey staff evidently assumed that only one would be acted upon. The action taken followed in general Plan 2. The results have been inadequate to date to meet the provisions outlined, but significant steps have been taken toward that goal with the provision of the equalization fund and the uniform school fund.

(3) Next in rank in point of achievement come the recommendations concerning the state board of education. An interesting fact concerning the method of selection of the board is that this method has been changed, but not in conformance with the recommendations. The plan now in effect appears to be unique in its provisions.

(4) The fewest changes have been made in the provisions concerned with the state superintendent. Efforts directed toward change have failed.

A brief tabulation of the recommendations made by the survey staff

and the actions that have been taken relating to each one is presented on the next four pages.

STATE BOARD OF EDUCATION

Recommendations	Action
That the State board of education be appointed by the governor from among the citizens of the state. If some type of geographical representation is considered desirable, it is recommended that representation be on the basis of judicial districts.	Changed, but not in conformance with the recommendation.
That the board be made up in large measure of laymen rather than professional educators or ex-officio officers. It should be composed of nine members each appointed for a term of nine years in such a way that one term will expire annually.	Partially achieved in that two ex-officio members were eliminated.
That service on the board be without remuneration but the present practice of paying per diem and expenses is a good one and should be continued.	Retained as was and as recommended.
That the functions of the State board of education be set forth in the statutes. They should include appointment of a state superintendent of public instruction, all certificating authority, general supervision of the state school system, and other functions set forth in report.	Remained essentially as were. Ruling of attorney general placed all certificating authority in state board.
That the board, under legislative authorization, have control of certain funds specifically provided for equalization and standardization purposes.	Partially achieved through provision for equalization fund and uniform school fund.
That the board revise the qualifications of teachers, supervisors, and administrative officers in accordance with the suggestions.	Quite completely achieved.

THE STATE SUPERINTENDENT

Recommendations	Action
That the State superintendent of public instruction be appointed by the State board of education for a term continuing during good service.	Attempted, but failed
That the board be free to choose as the State chief school officer an educator qualified by training, experience and eminent service, and of high personal character selected from a list of eligibles representing as comprehensive field as possible. Educators within and without the State should be considered in the selection. The board should be governed wholly by fitness for the position and be free to pay the salary necessary to secure the person best qualified.	None
That if the people of Utah are unable to accept the preceding recommendation, consideration be given to the following alternatives: (1) appointment by the governor; (2) election at a time when voting will be distinct from election of other State officers; (3) that the position be made more attractive by an increase in salary and the lengthening of term to six years.	None
That the chief duties of the State superintendent be defined in the law.	None
That if the State superintendent is appointed by the State board of education as recommended, he be the executive officer of the board	No provision in law. Has been chairman through choice of the board.

STATE DEPARTMENT OF EDUCATION

Recommendations	Action
That the State department be reorganized and enlarged (as outlined in this chapter).	Partially achieved. Reorganized and enlarged.
That the work of the department, particularly that of supervision, be coordinated and that the functions of the several sections be defined in regulations of the State board of education.	Partially achieved.
That all supervisory functions be under the direction of a director of supervision in order that this service be coordinated and placed on a high professional plane.	Not achieved.
That a research and statistics service and a State Teacher's service be provided in the State department as immediate necessities and that gradually, as conditions warrant, other recommendations be adopted.	Partially achieved.
That the staff be selected on the nomination of the State superintendent of public instruction by the State board of education and be made up of persons eminently qualified for the work for which they are selected.	Selections made upon nominations of the superintendent.
That salaries of the staff of the State department of education be commensurate with the importance of the work assigned.	None. Salaries have remained essentially as they were in 1926 when the survey staff characterized them as being inadequate.

EQUALIZATION OF EDUCATIONAL OPPORTUNITIES THROUGH SCHOOL REVENUE

Recommendations	Action
Place upon the State the responsibility of providing all funds necessary to meet all cost of the minimum program.	None
Existing State funds shall continue to be apportioned to all districts in the State by the methods and upon the bases at present provided by law. In addition to existing funds there shall be created a State equalization fund to function as outlined.	Partially achieved through provision for the equalization fund and the uniform school fund.
In case neither of the above plans can be adopted, provide, by constitutional amendments and law, that the combined income of the land interest and rental fund and the state district school fund shall be apportioned among all districts as follows: One-half on the basis of average daily attendance and one-half as an equalization fund. Said equalization fund to be apportioned by methods embodying the principles of the equalization fund as set forth under plan 2.	None

If these judgments of achievements of objectives as recommended are accepted, the quantitative analysis of results would be as follows. Considering the three proposals on equalization as one, inasmuch as only one was expected to be chosen, 18 recommendations were made. Of this number four, or 22 percent were judged to have been fully achieved; seven, or 39 percent, partially achieved as recommended; one, or 6 percent, acted upon but not as recommended; and six, or 33 percent not successfully acted upon so far as change is concerned.

If the report of the Carnegie Foundation concerning the results of surveys of higher education may be assumed to be significant in comparing the results of the Utah survey, the following comparisons may be made of the action taken on the recommendations:

	<u>Carnegie Report</u>	<u>Utah Survey</u>
Carried out in full or in part	70 percent	61 percent
Carried out in full	45 percent	22 percent
Not carried out at all	30 percent	33 percent
Changed but not as recommended	0	6 percent

In conclusion, it is the opinion of the writer, arrived at as a result of his study of state educational administration in Utah covering the period from 1926 until 1940, that the recommendations made as a result of the 1926 survey have had a significant effect upon administrative practices during that period.

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